00143178

BOMBAY BRANCH
OF THE
ROYAL ASIATIC SOCIETY
TOWN HALL, BOMBAY.

Digitized with financial assistance from the
Government of Maharashtra
on 15 June, 2016

THE

SPEECHES

OF

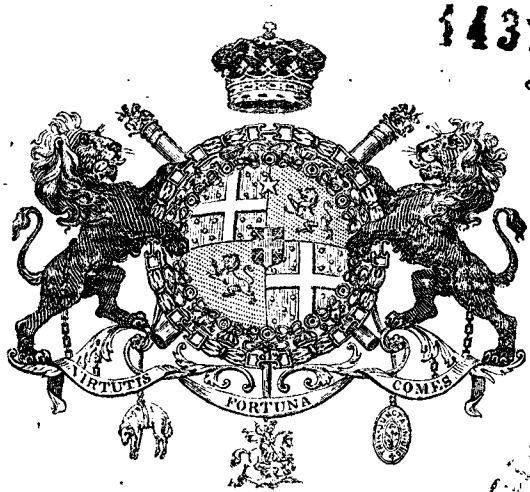
THE DUKE OF WELLINGTON

IN PARLIAMENT.

COLLECTED AND ARRANGED

BY THE LATE COLONEL GURWOOD, C.B., K.C.T.S.

143178



IN TWO VOLUMES.—VOL. II.

LONDON:
JOHN MURRAY, ALBEMARLE STREET.
1854.

00143178

LONDON:
PRINTED BY W. CLOWES & SONS, STAMFORD STREET, AND CHARING CROSS.

SPEECHES

OF THE

DUKE OF WELLINGTON

IN PARLIAMENT.

HOUSE OF LORDS.

[FIRST SESSION OF THE TWELFTH IMPERIAL PARLIAMENT.—5 AND 6 WILLIAM IV.]

February 24, 1835.

ADDRESS IN ANSWER TO THE SPEECH FROM THE THRONE.

The Earl of HARDWICKE moved, and Viscount GAGE seconded, the Address.

Viscount MELBOURNE moved, as an amendment, the insertion of words calling for various reforms in Church and State.

THE DUKE OF WELLINGTON said:

My Lords, I am sure that, after having been alluded to so personally by the noble Viscount who has just sat down, your Lordships will not be surprised at my anxiety to take the earliest opportunity to address you, which I will do in very few words. The noble Viscount has directed the greater part of his speech to prove that the dissolution of the late Parliament was unnecessary; but the particular point on which he grounded his attack against me was my supposed responsibility for the dissolution of the late Government, by reason, as he says, of my having been the person who advised his Majesty to adopt the measures which were adopted in the formation of a new one. Begging the noble Viscount's pardon, however, I must assert that I am not responsible for the dissolution of the late Government. The late Government was dissolved from the absolute impossibility of its going on any longer. When a noble Earl (Spencer), whom I do not now see in his place, was removed from the House of Commons

by the necessity of taking his seat in this House, it was impossible for the late Government to go on. I will just desire your Lordships to recollect that it was stated by the noble Earl (Grey) who so worthily filled the situation of Prime Minister for nearly four years, when his noble colleague (Lord Althorp) in the House of Commons thought proper to resign, 'that he had lost his right hand, and that it had thus become absolutely impossible for him to continue to carry on the Government, or to serve the Crown with honor or advantage.' Not only did the noble Earl make this declaration of his inability to go on upon the retirement of his noble colleague from his Majesty's councils, but the noble Viscount opposite himself, when he afterwards came to form his Government, stated that, the noble Earl (Spencer) having consented to retain his office and position in the House of Commons, he was prepared to undertake to preside over his Majesty's councils, and to carry on the business of the country. But this was not all; for I happen to know that, when the noble Viscount found he was likely to be deprived of the services and assistance of that noble Lord in the other House, he felt that his Administration would be placed in circumstances of the greatest difficulty and embarrassment. Besides that, it was perfectly well known to his Majesty that the influence of that noble Lord in the other House of Parliament was the foundation on which the Government to which he was attached reposed, and that, that support being removed, it must fall. When, therefore, his Majesty found it was fairly put to him whether he would consent to arrangements for the late Government proceeding as it best could, or whether he would consent to steps being taken for the formation of another Administration, it was surely natural for his Majesty to consider his own situation, and the situation in which the late Government was necessarily placed by the death of the late Earl Spencer.

The noble Earl who was at the head of the Government preceding the last had already declared that he found himself compelled to give up office because he felt that he could not retain it any longer beneficially for the public service. Now, when his Majesty had thus been left by the noble Earl, and by four other members of his Cabinet, was he, forsooth, not to be allowed to consider the position in which he was placed by the circumstances I have mentioned, but to be compelled to go on, at all events, with the Administration which those resignations had left him?

Why, my Lords, I contend that his Majesty was fully entitled to enter into that consideration; nay, the noble Viscount himself admits that his Majesty was entitled to consider whether some other arrangement might not be made, which should be more conducive to the public service than that which then existed. Under the circumstances in which the King found himself placed, his Majesty thought proper to send for me; and with reference to this part of the transaction, it is satisfactory to observe, my Lords, that all the allegations which have been so generally circulated of mysteries and court intrigues——

Viscount MELBOURNE.—Not, certainly, by me.

THE DUKE OF WELLINGTON:

Well, I am quite certain, however, that they are now abandoned, and that it is fully and generally admitted that no such supposed occurrences have ever taken place. For my own part, I can with truth declare, that I had had no communication with the Court for above two—nay, for above three months before the period at which I was honored with his Majesty's commands. I was down at my house in Hampshire at the time. I was surprised at the circumstance; for, although I certainly thought that the removal of Lord Althorp from the House of Commons must make a material change in the constitution of the existing Administration, I was as much astonished on receiving his Majesty's communication as any of your Lordships would be on the receipt of a similar message to-morrow morning. When his Majesty thought proper to call upon me for my assistance, I might—I do not say it would have been very prudent or very wise in me to have done so, but I might if I had chosen—have placed myself at the head of the new Government. But what did I do, my Lords? It never occurred to me to take any step for the gratification of my own personal ambition or my personal feelings. I gave his Majesty the best advice which, under the circumstances of the case, it appeared to me practicable to give. I advised his Majesty to send for that Right Honorable gentleman, a Member of the House of Commons, who seemed to me to be the most fit and capable person to place at the head of the new Administration as First Lord of the Treasury. That Right Honorable gentleman was then in another part of the world, and some time must necessarily elapse before it would be possible that he could return

to this country. It appeared to his Majesty and to myself, however, to be essentially necessary that, in the mean time, the Government should be taken possession of and administered. This step I certainly considered to be absolutely necessary, and I also felt it to be absolutely necessary that, whoever might exercise the authority of Government in the interval, should take no step that might embarrass or compromise the Right Honorable gentleman on his return. It was only on that ground that I accepted, for the time, of the offices of First Lord of the Treasury and Secretary of State for the Home Department.

The noble Viscount has made a little mistake in alleging that I was appointed to three departments at once. He makes it a matter of charge against me that I exercised the authority of the three Secretaries of State; but the noble Viscount knows very well that the Secretary of State for the Home Department is competent, under certain circumstances, to do so. It was for the public service and the public convenience, and for no other reason whatever, that I, my Lords, consented to hold for a time the situations of First Lord of the Treasury and Secretary of State for the Home Department. But I want to know whether this was, as the noble Viscount insinuates, an unprecedented act? When Mr. Canning was Secretary of State for the Foreign Department, he was appointed First Lord of the Treasury. The latter office Mr. Canning received on the 12th of April, and he did not resign the Seals of the Foreign Department until the 30th of that month. During the whole of that period Mr. Canning discharged the duties both of Secretary of State for Foreign Affairs and First Lord of the Treasury. My Lords, I am quite aware that there were, at that period, two other Secretaries of State; but the fact is as I have stated it, and that Mr. Canning exercised at the same time the functions both of First Lord of the Treasury, and Secretary of State for the Foreign Department. The transaction in my case was therefore not unprecedented; and I must also say that, when the noble Viscount thought proper to blame me, as he did, he was bound to show that my conduct, in that respect, had been attended with some evil or inconvenient result. Now, it does not appear that it has been attended with any such result. The fact is, that during the whole of the time that I held the two offices, I cautiously avoided taking any step which might be productive of subsequent embarrassment or inconvenience; and

when my Right Honorable friend took possession of his office, I can undertake to say that he did not find himself compromised by any such act.

It has been urged by the noble Viscount that the two offices in question are incompatible with each other. I want to know why? I maintain that the First Lord of the Treasury has no more power over the Treasury than any other Lord of the Treasury. When, as in the case of Godolphin, there was a Lord High Treasurer, it was a different matter; but a First Lord of the Treasury possesses no such paramount authority.

The noble Viscount has thought proper to blame me again, for having attended his Majesty, when required to do so, and for having assisted his Majesty in the arrangement of the new Government. The censure, my Lords, at his hands, is the more extraordinary, as the noble Viscount himself brought to town his Majesty's orders on the subject. It really appears to me very strange that the noble Viscount should consent to be the bearer of a communication, of the nature of which he could not but be perfectly aware, and then endeavor to attach a degree of criminality to me, because, in consequence of that very communication, I attended his Majesty, and assisted in the construction of a new Government. The whole of the transaction bears intrinsic evidence of what the real *animus* was, as between his Majesty and the noble Viscount on the one hand, and between his Majesty and myself on the other. I really must confess, my Lords, that, such being the case, I was scarcely ever more surprised than when I heard the noble Viscount make the transaction the ground of a charge against me.

The next charge which the noble Viscount brought forward in his speech was, that his Majesty's present Government had advised his Majesty to dissolve Parliament. It is undoubtedly true that, whenever a dissolution of Parliament takes place, the Administration on whose advice that measure has been determined upon is naturally liable to be called upon to assign reasons for their conduct. But is it proper, my Lords, to require those reasons on the first day of a Session, and before any appeal can be made to the sentiments of the new Parliament in justification of the dissolution of its predecessor, by showing that the measure has been a successful experiment? I believe that that is a course which has very seldom been adopted. The noble

Viscount who has thought proper to censure me for advising the dissolution stated that, in all cases where former Parliaments had been dissolved, subsequent success alone had justified the measure. Why, then, ought not the noble Lord to wait, and allow us to judge, and give us an opportunity of trying whether his attempt has been successful or not? The noble Lords opposite themselves thought proper, in the month of June, to dissolve a Parliament which had been elected in the preceding month of November. No doubt it is perfectly true that the calling of that Parliament, under the circumstances, was exceedingly successful; and I sincerely trust that the calling of this Parliament will also be as successful. But at all events, when the justification of dissolving a Parliament is to depend, it seems, upon the success of Ministers with the new one, it is not fair to call upon them for that justification on the first day of its meeting. I must say that the noble Lord might therefore have waited a little longer before he called upon your Lordships to decide upon that point. Your Lordships will remember that we have the highest authority for the fact, that the late Administration depended on the late Parliament, through the weight and influence of one noble Lord alone; and that, when that noble Lord should be removed, it was foreseen that it would be impossible for that Government to go on with that Parliament. How, then, let me ask, was the present Government to be expected to go on with that Parliament, with all the recollections of the influence which had been so exercised still strong upon it? To the new Parliament I believe that a vast number of persons have been returned who are determined to give their support to the existing Administration, if they shall deem their measures entitled to support, and who are really desirous of finding them to be so. I do trust, therefore, that, when the House and the country see what those measures are, they will feel no hesitation in taking that course.

I am not aware of any other charge in the speech of the noble Lord which requires an answer from me. I certainly do not think it at all necessary for your Lordships to adopt the noble Viscount's amendment, though I have not the smallest objection to declare that I entertain no intention whatever of interfering, or of doing anything not entirely consistent with the system to which it refers. But as to pledging myself beforehand to any measures,—for example, to declare what I shall do in the question of the Municipal

Corporations, before the report of the Commissioners is before us, or indeed binding myself to any specific course of legislation, before I know what it is—that is what I most certainly shall not consent to, and more especially in the case of the Municipal Corporations, after his Majesty has announced to us in the Speech from the Throne that he has to hope, my Lords, that the report will be before us in a short time. For these reasons I must oppose the amendment.

Amendment negatived without a division.

March 16, 1835.

EMBASSY TO RUSSIA.

The Marquis of LONDONDERRY having called the attention of the House to the circumstances connected with his resigning the embassy to St. Petersburg,

THE DUKE OF WELLINGTON said:—

My Lords, Notwithstanding the irregularity of this discussion, founded as it is, in effect, on a proceeding of the other House, and notwithstanding what my noble friend has just stated, I hope I may be permitted to say that I consider myself responsible for this particular nomination; and I do trust, therefore, that your Lordships will permit me to address a few words to you on the present occasion. My Lords, having learned that it would not be disagreeable to my noble friend to be employed in the public service, I did concur in the recommendation; or, rather, my Lords, I did recommend to my Right Honorable friend, Sir Robert Peel, that my noble friend should be appointed Ambassador to the Court of St. Petersburg. I made that recommendation,—founded as it was on my own personal knowledge of my noble friend for many years past, on the many great and important military services he has performed, and on the fitness he has proved himself to possess for such an appointment in those various diplomatic employments he has filled during a long period of time,—more particularly at the Court of Vienna—where, for a period of nine years, he performed most important services, to the entire satisfaction of the Ministers who employed him, up to the last moment of his employment. He returned from the discharge of that office, my Lords, with the strongest testimony of the

approbation of the then Secretary of State for Foreign Affairs. I was aware, my Lords, of the peculiar talents of my noble friend, in certain respects, for this particular office, and of his consequent fitness for this very description of diplomatic employment, especially on account of his being a military officer of high rank in the service of this country, and of distinguished reputation in the Russian army. I knew the peculiar advantages that must attach to an individual, conducting such an embassy, on that account. Under these circumstances I was justified, my Lords, in recommending my noble friend: and I was glad to find that my Right Honorable friend concurred in that recommendation, and that His Majesty was pleased to approve of it. I may also add that, the nomination of my noble friend having been communicated in the usual manner to the Court of St. Petersburg, it was received with approbation at that Court. For all these reasons, my Lords, it was with the greatest regret I learned that this nomination,—for it had gone no further than nomination,—was not approved of in another place; for it is in consequence of that expression of disapproval that my noble friend, with that delicacy of feeling which belongs to his character, has declined the office. Now, notwithstanding what may have passed elsewhere, I feel it necessary to say a few words on a particular point nearly connected with this subject. There can be no doubt whatever that there is no branch of the prerogative of the Crown greater, or more important, than that of sending ambassadors to foreign Courts; nor is there any branch of that prerogative the unrestricted use of which ought to be kept more inviolate. But, my Lords, the Ministers of the Crown are responsible for these nominations. They are also responsible for the instructions under which my noble friend, or any other noble Lord, so nominated, is bound to act. They are, moreover, responsible for the proper performance of these duties on the part of those whom they select—to the other House of Parliament, and to the country at large. It is impossible, therefore, for me to believe that the House of Commons would, in this case, proceed so far as to interfere with that peculiar prerogative, and to say that an individual who has been already nominated by the Crown should not fill the situation; inasmuch as, by so doing, the House of Commons would not only be taking upon itself the nomination of the officer, and the direction of the particular duties to be discharged by him, but would also be relieving

the Minister from the constitutional responsibility of the appointment. I do not think that sentiments of such a description, on a subject of this delicacy and importance, are very general; and I cannot bring myself to believe that a vote affirming such a violation of the Royal Prerogative would have passed the House of Commons. In conclusion, I will only add, my Lords, that if there were the slightest possible chance of such a vote passing that House, the country must feel the deepest obligation to my noble friend for having declined the office to which he had been nominated.

March 17, 1835.

POOR-LAWS.

In reference to a petition presented by the Duke of BUCKINGHAM, for an amendment of the Poor-Law Amendment Act,

THE DUKE OF WELLINGTON said:

I quite agree, my Lords, with my noble friend, that it is most desirable that public excitement on this subject should be avoided, and it would have been well if my noble friend himself had attended a little to that maxim, before he brought down a petition of this description; a petition which he has introduced without taking those steps within his power, by which he would have been enabled to judge whether the circumstances to which it refers are, or are not, founded in fact. Now, I will lay before the House one or two of the clauses of this Act of Parliament, and by doing so I shall be enabled to show my noble friend how, if he had thought proper, he might have ascertained exactly the position in which the case stands before he brought this petition under your consideration. The 4th clause of the Act provides that the Commissioners shall record all their proceedings; and the Commissioners are bound to supply copies of these proceedings, when they are called on for that purpose. To be sure a statement was made on that subject at the office of a Right Honorable friend of mine, the Secretary of State for the Home Department; but when that statement was made, my Right Honorable friend had no opportunity of knowing the facts, nor, at the moment, of making any inquiry into the case. My Right Honorable friend had no knowledge of that case; he knew nothing of it, and, of course, he

could give no opinion on the subject. Now, in my opinion, the noble Duke, and a noble relation of his (the Marquis of Chandos) in the other House, ought, before bringing down these petitions to Parliament, to have made themselves thoroughly acquainted with the facts as they had really taken place, and to have ascertained whether there was any foundation for the charges which have been alleged against the gentlemen who are employed in carrying the provisions of this Act into execution. The Act requires that the Commissioners shall make a general Report to the Secretary of State annually, and, as your Lordships are aware, a year has not yet elapsed since the Act came into operation. At the same time there is no doubt that, if a Special Report on this particular case had been called for, it would not have been withheld. On this very day a paper has been placed in my hands in reference to this subject, which I have not yet had an opportunity of carefully reading; but if the noble Duke will postpone the presentation of the petition until to-morrow, or some future day, I will venture to assert that I shall have it in my power to repel all the charges that have been made against the Commissioners. I trust your Lordships will pause before you make up your minds as to the operation of the Poor Law Amendment Act, and that you will not be led away by the statements made by these petitioners.

June 2, 1835.

PROTESTANT CHURCH, IRELAND.

The Marquis of LONDONDERRY presented, and the Marquis of DOWNSHIRE supported, a petition from the county of Down, in vindication of the Protestant Church in Ireland.

Viscount MELBOURNE and Viscount DUNCANNON impugned the petition.

THE DUKE OF WELLINGTON said:

I rise in consequence of the observations which have been made by noble Lords opposite, on my noble friend who introduced this petition to your Lordships; and on my noble friend near me, who called the meeting from which the petition proceeded. No one laments more than I do the unfortunate difference of opinion which exists in Ireland upon religious subjects; but without dwelling upon that unfortunate difference of opinion, I will proceed to

recall to your Lordships' attention the state of things existing in Ireland when this meeting was convened. For a long time previously—at least for three or four years—there had been a total cessation of payment of all dues to the Church, of one description —I mean tithes. The clergymen of the Protestant Church in Ireland were suffering, in consequence, the utmost extremity of distress. Parliament had been prorogued, without any measure having been passed to enable the clergy to recover their tithes; and, under these circumstances, my noble friend stood forward to give them some relief—to exhibit the desire of the Protestants of his county to administer to their support, to declare their adhesion to the Protestant religion, and to petition Parliament to afford assistance to the pastors of that religion.

Viscount MELBOURNE.—There is nothing about tithes in the petition.

THE DUKE OF WELLINGTON:

It expresses a desire that some relief may be given. I certainly should not recommend the lord-lieutenant or the *custos rotulorum* to attend the public meetings of the county in general; but under the circumstances which existed at the time of this meeting, considering the condition in which the tithe question was left at the end of the last Session of Parliament, and also considering the measure for the future regulation of tithe which was known to be in contemplation, I think that it was laudable in my noble friend the lord-lieutenant of the county of Down, and in my noble friend near him, to put themselves at the head of that county for the purpose of affording protection to the Protestant religion in Ireland. We have been told that it was owing to the forbearance of the Roman Catholics in the county of Down and elsewhere that this great meeting had not ended in riot, and that the hopes of my noble relative (the Marquis Wellesley) to preserve the peace were not disappointed. Now, I believe that the real truth is, that the great bulk of the Roman Catholics, as well as of the Presbyterians, are as much interested as the Protestants of the Established Church in maintaining the safety of the Protestant Establishment; and therefore I cannot feel such extraordinary obligations to the Roman Catholics for remaining quiet, as the noble Baron professes to feel. Whatever opinion may be entertained respecting the conduct of my two noble friends near me, it must be admitted that all the other persons who attended that

meeting had a good right to attend it if they pleased; and that it would have been a breach of the public peace for any one to have endeavored to interrupt them. Under the circumstances, then, I cannot think that there was any great merit in letting the parties who had been at this meeting return home without disturbance.

July 2, 1835.

MR. M'DERMOTT'S APPOINTMENT.

Viscount DUNCANNON vindicated the appointment of Mr. M'Dermott as a Commissioner of Public Instruction in Ireland.

The Bishop of EXETER denounced, and the Marquis of CLANRICARDE supported, the appointment.

THE DUKE OF WELLINGTON said:

I must confess I have not that confidence in Mr. M'Dermott which the noble Marquis feels. I certainly should not have troubled your Lordships were it not my wish to bring back the discussion to the point upon which, in my opinion, it should really stand. The noble Marquis endeavors to explain to the House what he meant by a casual interruption; but, my Lords, the noble Marquis has departed from the point upon which, I think, the whole discussion turns. The noble Marquis says, and I perfectly concur in the truth and propriety of his observation, that it is highly improper to make the fact of a man's formerly having been a member of a Catholic association a ground of ineligibility for his appointment to any office. But here, a particular inquiry is instituted in Ireland, affecting strongly the Established Church; and the question which the right reverend Prelate stated for the consideration of your Lordships was this—whether a gentleman who had been an agitator, a noted agitator, a Roman Catholic agitator, was a fit person to be selected as a Commissioner of this Board of Education. Besides, the right reverend Prelate has, I must say, in my opinion, clearly proved his case. He has, I think, most fully established the fact, that that gentleman had been not only a Roman Catholic, an agitator—and a forward one too—but that he was classed amongst the warmest of them; and, moreover, had declared himself, in the most pointed, public manner, an enemy of the Established Church. Why, my Lords, if we may form our estimate of a man's character from what he has said or

done on any former occasion, this man's character must be fully established, in your Lordships' mind, as that of a person who, of all others, ought not to be appointed to such an office as that for which the noble Viscount has thought proper to select him; and that appears to me to be the total amount of this question: it is nothing else than whether this gentleman (Mr. M'Dermott) was or was not a fit person to be made a member of the Commission? My opinion is, that nothing can be a more fair or a clearer proof that he is not a fit person, than that which has been given by the right reverend Prelate, a proposition to which, as yet, I have heard no answer whatever.

July 14, 1835.

THE THIRTY-NINE ARTICLES.

The Earl of RADNOR moved the second reading of the Subscription to the Thirty-nine Articles Bill.

The Archbishop of CANTERBURY moved that the Bill be read a second time that day six months.

Viscount MELBOURNE supported the Bill.

THE DUKE OF WELLINGTON said:

I am of opinion that the speech of the most reverend Prelate, and his interpretation of the subscription to the Thirty-nine Articles, completely puts an end to the question. I cannot but observe that the Bill which the noble Earl has now brought forward is entirely different from that which he proposed for your Lordships' consideration in the last Session of Parliament. His speech, however, upon the present occasion, shows that the intention is the same. Indeed, the noble Viscount opposite has stated that such is, in his view of the object of the Bill, the intention of the noble Earl. That intention is, to give Dissenters the right of admission to the Universities. That, then, is the intention of the noble Earl, and that is the intention of His Majesty's Ministers. I conceive that there is no cause to complain of the subscription to the Thirty-nine Articles, as practised in Oxford. The explanation given by the most reverend Prelate is entirely borne out by the statutes of the University, and by the practice that prevails there; and this explanation agrees entirely with that given by a right reverend Prelate who was formerly head of one of the colleges at

Oxford. It might, perhaps, be desirable that some other test should be adopted to prove that the individuals to be matriculated are members of the Church of England; the most important point is, that Cambridge and Oxford should be filled only by members of the Church of England; upon that I consider the whole question to rest. The noble Earl said, in the course of the discussion, that I advised your Lordships not to consent to the Bill introduced last Session, because, if you did, you would have to carry to the foot of the Throne a measure which would tend to subvert the union between Church and State. My meaning in so doing was neither more nor less than this—that it was absolutely necessary that the Universities, founded as they are, should educate their members in the religion of the Church of England. Your Lordships could not go to the King and ask his consent to a Bill which had for its object to establish in the Universities a system of education different from that of the Church of England, without attacking the very foundation of the principle of the connexion between Church and State. But the noble Lord says, the Church herself does not exact subscription to the Thirty-nine Articles from each individual. It is very true that the Church of England does not require subscription from her members, nor would the University of Oxford require it, but as a proof that the person subscribing was a member of that Church, or of the family of a member thereof.

The noble Earl stated that individuals might obtain admittance to the Universities both of Oxford and Cambridge, notwithstanding that they were Dissenters; but there is a great deal of difference between casually admitting Dissenters, and permitting them to enter into the Universities as a matter of right. I see no objection to the admission of the few now admitted, who must submit to the regulations and discipline of the University, and of its several colleges; but I do object to the admission of Dissenters into the Universities by right; and my reason for making this exception is, that I am exceedingly desirous that the religion taught there should be the religion of the Church of England; and I confess I should be very apprehensive that, if Dissenters of all denominations were admitted by right, and they were not under the necessity of submitting to the rules and regulations of the several colleges, not only would the religion of the Church of England not be taught there, but no kind of religion whatever.

I state this on the authority of a Report which I have recently received of the proceedings of an institution in this country for the instruction of children of dissenting clergymen; from which it appears absolutely impossible, for any length of time, to adhere to any creed or any tenet or doctrine in these seminaries, in which every doctrine is matter of dispute and controversy. I was rather surprised to hear the noble Viscount opposite, a Minister of the Crown, express his preference for polemical disputations in the Universities. I should have thought that he would have felt it to be his inclination, as well as his duty, by all means to protect the Universities from such disputes, and from a system fruitful in such controversies; and probably to end in a cessation of any system of religion or religious instruction whatever, on account of the different opinions of the members.

It appears to me that the Bill of the noble Earl, if his object be merely to prevent signature to the Articles, does not go far enough to effect the purpose he has in view; for the colleges cannot do otherwise—understanding, as they do, the will of their founders, and the regulations under which their property is enjoyed—than take other means to provide for the object which they conceive that the founders contemplated. The noble Lord has compared the Universities, not only with the Universities abroad, but with some of our own previous to the Reformation; but the answer given by the most reverend Prelate must have been satisfactory to your Lordships, as it has proved that there is no comparison between the two. The tests in our Universities are the children of the Reformation, which the system of toleration wisely established in this country has rendered still more necessary, if we intend to preserve the standard of the religion of the Church of England. If we open the door wide, and say, "We will have no established religion at all, every man shall follow the religion he chooses,"—if, in a word, we have recourse to the voluntary system,—then we must make up our minds to take the consequences which must follow from the enactments of the Bill, and the polemical and other controversial agitations to which it must lead. But, supposing the object of the noble Lord, to put an end to these tests, to be desirable, I can conceive no mode of effecting this object so objectionable as the interference by Parliament with the privileges of the Universities, secured to them by charter, and re-

peatedly acknowledged and confirmed by Parliament. We, who contend in favor of these privileges, are placed in an awkward situation, in finding arrayed against us the Ministers of the Crown and the authority of the Government. We have a right to expect the support of the noble Lords opposite in defending these institutions; but, instead of taking that course, the Ministers of the Crown are the leaders in enforcing a measure which has for its object to overturn them. The noble Lord shakes his head; but does he think that the Universities could maintain their authority after such censure has been pronounced against them as this Bill contains, after such charges as are contained in the preamble, not one of which has been proved? Is it true that individuals are prevented from entering the Universities on account of these tests? Are there not, at this moment, hundreds of persons waiting for admission? Is not the University of Oxford, at this moment, overflowing with individuals who are compelled to reside in the town because there is not room for them in the colleges? If all this be true, I contend that there is no ground for the charges contained in the preamble, nor for the Parliamentary interference with the Universities contemplated by this Bill. I entirely concur in the statements which have been made by the most reverend Prelate as to the consequences of such a step. Will any one believe that it does not contain a Parliamentary denunciation against the Articles of the Church? On the face of it, the measure appears to be a simple measure, requiring nothing more nor less than that the Articles shall be signed only by persons who have arrived at a mature age; but the noble Earl is himself aware that the measure would not effectually attain that object, and, therefore, he considers it as only preparatory to other purposes and other views. But, my Lords, the public will regard it as having for its object to inflict a severe blow upon the Universities and upon the Articles of the Church of England. Under these circumstances, considering it as a measure which your Lordships ought not to adopt, I earnestly advise you to vote for the motion of the most reverend Prelate, 'that this Bill be read a second time this day six months.'

Bill rejected by 163 to 57.

July 16, 1835.

CHURCH OF IRELAND.

The Bishop of EXETER, in presenting a petition from the Rev. James R. Page, praying for protection to the Protestant Irish Clergy, introduced the subject of a letter addressed to Viscount Melbourne by Archbishop Murray in relation to education.

Viscount MELBOURNE having answered,

THE DUKE OF WELLINGTON said:

I can assure your Lordships that I am by no means anxious to prolong a discussion of this nature, which your Lordships must feel can lead to no desirable result. But what, let me ask, is the object of the right reverend Prelate in bringing this matter under your Lordships' consideration? The right reverend Prelate, some time since, presented a petition relative to the persecutions undergone by the Protestant clergy and people in a certain parish of Ireland; and out of misrepresentations of what then occurred, arose what has since followed. And the right reverend Prelate has now come to the House to ask a question of the noble Viscount, of which he has given previous notice, relative to a letter, which, for my own part, my Lords, I confess I have so far neglected my duty as not to have read. That letter, my Lords, I do think, has very fairly called forth the observations made by the right reverend Prelate. Now, my Lords, with respect to the question which has arisen in the course of this debate. I do say that the Protestant people and clergy of Ireland have great reason to complain of the want of protection to their rights and properties manifested on the part of the Government of this country; and this is the cause of those disputes and those circumstances which the noble Lord opposite (Lord Melbourne) has complained of in the few words which he has addressed to the House on the subject. Far be it from me to wish for any renewal of dissensions in Ireland, and God knows I would go any length, or do anything in my power, to put them down, in the extent to which they now exist; but we are mistaken if we suppose that they can be put down by oppressing one party, or allowing one party to oppress another, or by extinguishing—an extinction which, for the last three or four years, you have attempted, and are now about to complete—that description of property in Ireland allotted to the payment of the clergy. This is the circumstance which occasions the present dissensions in Ire-

land, and which has induced the present discussion in this House. The noble Lord opposite cannot lament the cause of such discussions more than I do; but if he be determined to do his duty, let him give the protection of His Majesty's Government to the Protestant clergy and people of Ireland, as he does not hesitate to do in the case of other classes in that country, and the evils which he so much deplores will soon cease to exist.

The Archbishop of CANTERBURY and Viscount DUNCANNON having addressed their Lordships.

THE DUKE OF WELLINGTON said:

I really, my Lords, cannot understand why this occasion should have been selected to institute a comparison between a Bill introduced by a right honorable friend of mine into another place, and that submitted to Parliament by His Majesty's present Government. I may now, however, be permitted to observe that I was only two months of this Parliament in office, and the measure my right honorable friend had proposed was for the purpose of putting an end to discussion on a question which was excited by the noble Lords opposite. I believe, if measures had been taken in order to prevent the agitation in Ireland for a few years, it would have been stopped; and if the noble Lord chooses to go into a discussion of those measures now, I am ready to meet him upon it. I did not seek for it; but I took leave to tell him what my opinion was. I do not blame the noble Lord for having replied to the right reverend Prelate's statement upon a petition; but I will say these discussions arose out of grievances notoriously existing in Ireland, out of the oppression of His Majesty's subjects in Ireland, by certain persons in that part of the country, and out of want of protection to the Protestant clergy in the performance of their duties. All this is the consequence of the measures which have been adopted in Ireland. I am sorry for it; but the House must look to it; and His Majesty's Government will bring forward a remedy for these evils, in order to put an end to those grievances in Ireland, and the discussion of them in this House, a remedy that will give protection to the Protestant clergy in Ireland in the performance of their duties, protection to their property, and restore the country to peace and tranquillity.

Lord DUNCANNON: I only beg to ask the noble Duke what is the nature of the protection he proposed to give when he was in office?

THE DUKE OF WELLINGTON:

It was explained in the measure which was introduced into the other House of Parliament by a right honorable friend of mine, and which, had it passed into a law, would have produced satisfaction and tranquillity.

July 28, 1835.

MUNICIPAL CORPORATIONS (ENGLAND) BILL.

Various petitions having been presented against this Bill,

Viscount STRANGFORD moved that the Corporation of Coventry be heard by Counsel against the measure.

Viscount MELBOURNE objected to the motion.

THE DUKE OF WELLINGTON said:

I agree, my Lords, with the noble Viscount in thinking that nothing could be more unworthy of the House of Lords than to trifle with such a subject, and more particularly when it is one which affects the property and the privileges of His Majesty's subjects. I wish the noble Viscount had avoided charging the House with delay, or the desire to create delay, in proceeding with this measure; for if there ever was a question upon which a body of men had evinced their anxiety to proceed with the greatest possible celerity that was consistent with safety, it strikes me it is the present question. In point of fact, the evidence on which we are to proceed to legislate has only been for a few days on your Lordships' Table, so that I apprehend not one in ten of your Lordships has been yet able to peruse it; and I indeed doubt if many of you have yet received the last Report. Yet, notwithstanding this, not the slightest desire has been displayed to delay the discussion on the second reading, or the subsequent proceedings upon the subject. For my own part, if the noble Viscount had not thought proper to make such a charge against your Lordships' House, I should have been ready to have come forward with a proposition respecting the mode of hearing Counsel, that would have prevented all delay against which the slightest murmur could be raised, whilst at the same time the people of England would have been satisfied that justice had been done to the subject. The noble Viscount has stated that the measure is one of general policy, and that it is not a measure founded on the Report

of the Commissioners. I admit that it is a matter of general policy, but I must at the same time contend that it is founded on the Report—a Report, the truth of which the parties concerned impugn, and pray that your Lordships will hear their complaints on this subject at your Bar.

The noble Viscount has been pleased to compare this measure with that for the disfranchisement of the 40*s.* freeholders; but he forgot that, in their case, the question had been mooted three or four years previous to the passing of the measure, that ample time had been allowed, and that it was admitted in this House that the parties were useless and injurious as an electoral body. This being the case, it was natural enough that they should not be heard by Counsel at the Bar. As to the Reform Bill, it is true that by it many men were affected in their property and interests, and they were not heard at the Bar by Counsel; but there are other precedents in which parties interested were so heard. There was that of the heritable jurisdictions in Scotland, on which Counsel were heard, both on the question of the second reading, and on the question of going into Committee. I am ready to propose, in order that there may be no delay, that Counsel, supposing the House agrees to the second reading, should be heard on the question of going into Committee. I am ready to commence the discussion on the following day after the arguments of Counsel shall have been heard; and I must say, that the charge made by the noble Viscount against everybody who may think that the corporations should be heard by Counsel, of wishing to cause delay, is unjust; and I will go a step further, and say that it was not quite founded in fact. Our object is to offer no unnecessary delay, and to extend equal justice to all men. But as to the question of going into Committee on this Bill, it cannot now be entertained. It cannot be expected that anybody could be prepared to do so for some days. There is no reason why Counsel may not be heard from day to day, and your Lordships, after having heard them, in the course of next week can go into Committee.

Motion withdrawn.

August 3, 1835.

Viscount MELBOURNE moved that their Lordships go into Committee on this Bill.

The Earl of CARNARVON moved, by way of amendment, that evidence against the Bill be heard at the bar of the House.

The Earl of WINCHILSEA, Lord LYNDHURST, Lord WHARNCLIFFE, and other Peers, supported the amendment, which was opposed by Lord BROUGHAM, the Earl of RADNOR, the Marquis of LANSDOWNE, &c.

THE DUKE OF WELLINGTON said:

At first I felt disposed to go into Committee on the Bill, and to endeavor to make such alterations in its provisions as I had hoped would take from it many of its objectionable qualities; but I felt at the same time that Counsel should previously be heard; and having heard those learned gentlemen, and taking their observations in connexion with the Appendix to the Report of the Commissioners, I find it impossible to avoid arriving at the conclusion that the evidence which they tendered at the Bar of your Lordships' House ought to be received. But further, my Lords, I cannot think it possible to adopt a general and sweeping measure of corporate reform, without that examination of evidence for the necessity of which the learned gentlemen have contended at the Bar. I entertain this opinion, because I know that, although the conduct of some of the corporations may have been censurable, yet there are others which have conducted themselves very much to the public satisfaction, and very consistently with the public advantage. To one in particular—the corporation of Liverpool—I should wish especially to advert. The conduct of that corporation would be creditable to any municipal institution in any country. This opinion, my Lords, is not grounded on, but is strongly corroborated by, the Report of the Commissioners. It is evident that this and other corporations have administered their trust and corporate funds with equal judgment and integrity. I cannot help expressing my great surprise at finding such a Bill, founded upon such a Report, brought into the House of Commons. I confess, my Lords, that I have strong and decided prejudices against this Commission. I agree with my noble friend that it was composed of twenty men, who were known party-men; and that their Report contains very many inconsistencies. Upon what should their Report be founded except upon impartial inquiry? But to illustrate to your Lordships how far that course has been adopted, I beg to mention that one of the Commissioners has thought proper to introduce my name and to make observations upon my conduct, although he never asked me a single question on the matter with which he has connected it. I do assure your Lordships that I should have answered any question he might have put to me. But

in addition to my objections to the Commission, my Lords, I am opposed to this Bill, because it is a most partial and not a general measure. It does not include those corporations which most require reform, but is directed against 180 out of 300 corporations. I put it to your Lordships, then, to say is it fair or equitable to repeal all the old charters? Should such a sweeping measure as this be founded upon such a Report as is now proposed to make the basis of our proceedings? If individual corporations have misconducted themselves, the proper mode of dealing with them is by proceeding in the Court of King's Bench. The King is the proper visitor of all such bodies, and the place wherein he visits is the Court of King's Bench. If you are resolved to proceed with a Bill thus partial in its character, you must proceed by inquiry at your Bar. Feeling convinced of this, I am resolved to support the motion of the noble Earl; and my vote shall be given from a strong conviction of the necessity of inquiry before we proceed to deprive those corporations of their charters. I contend that those corporations have a right to hold their privileges in the fullest extent, till deprived by due course of law. For all these reasons, then, I shall vote for the inquiry, and, therefore, support the motion of the noble Earl.

Amendment rejected by 124 to 54.

August 12, 1835.

Viscount MELBOURNE moved that the House go into Committee on this Bill.

The Duke of NEWCASTLE moved, by way of amendment, that the Bill be committeed that day six months.

The Earl of MANSFIELD and the Earl of FALMOUTH having addressed their Lordships,

THE DUKE OF WELLINGTON said:

Although I do not agree with the noble Lords who have come to the determination of opposing the commitment of this Bill, yet I feel the greatest respect for them. I object to many parts of the Bill as strongly as any of them: I object to the principle on which it is brought in. My opinion concurs very much with that of the noble Earl who spoke upon the floor, that this measure should have had the consent of His Majesty in one of its early stages. I consider that the King, being the founder of all these corporations, having an interest in their existence, being

their visitor, and, moreover, having a reversionary interest in their property, should have been called on to give his consent to its enactments. This is not a mere point of form—it is one of essential substance—it is essential to the existence of the transaction upon any solid Parliamentary foundation. Under these circumstances, I wish His Majesty's Ministers had thought it necessary to have first obtained the consent of the Crown. I confess I should be sorry to see the Bill go through the House of Lords, without containing such provisions as shall secure to the King his prerogative,—to the freemen their rights and privileges, whether acquired by birth or service,—to persons holding office for life the situations they now fill,—and all other privileges which have been affirmed by recent and existing Acts of Parliament. I object to the measure, because it is deficient in these provisions; but I am willing to vote for the Committee, in order that they may be introduced into it. I object, strongly, to those parts of the Bill which go to establish the principle of electing persons to fill high situations in the magistracy, and in the administration of those boroughs—as well as persons to have the control of the charitable funds, and the administration of Church patronage, without its being required that they shall be possessed of any pecuniary qualification whatever. These are points which will require your Lordships' grave attention. I shall, on these grounds, oppose the Bill; though I am one of those who admit the necessity of entering upon the consideration of the question, with the view of remedying those real evils which may be to be complained of in the present system of our municipal corporations.

In the first place, though I confess I conceive there is but little matter of information in the Reports against the corporations (indeed, considering the antiquity of these, and the purposes to which their privileges have been applied, I am only astonished that there is so little of accusation as there is), yet I cannot help perceiving, on a perusal of the Reports, and with the knowledge I have of the circumstances,—I say, I cannot but perceive that there are many of those institutions which have become useless, and may be discontinued altogether; that there are others which require considerable amendment; while there are some which might probably be left as they are, with very great advantage to the nation.

My Lords, the noble Viscount who commenced this debate was pleased to advert to the evidence that was produced at your Lord-

ships' Bar with respect to the Commissioners. Certainly the noble Viscount refrained from any reasoning upon it. But he read a letter to your Lordships containing much which might have been as well omitted altogether. I certainly do not intend to follow the Commissioners into any discussion of the evidence. I object to the Commission, which I believe to have been an illegal one; and I think the noble and learned Lord himself admitted, on the last night of the discussion, that the word 'deed' in the Commission was illegal.

Lord BROUGHAM: I was misunderstood; I was reading the empowering clauses from the Commission of 1830, in which the word 'deed' does not occur.

THE DUKE OF WELLINGTON:

But the word 'deeds' does occur, and that word, I apprehend, supposes power, which renders the Commission illegal. Then, my Lords, I must object, that the Commission was not only an illegal one, but a party Commisssion, composed of men engaged for the public service in an inquiry for which it behoved those who employed them to take care, not only that they provided impartial men, but those who would make an impartial inquiry. And did the fact turn out so?—this is an important question: I contend it did not. It turns out that the Commissioners were partymen; there can be no doubt that they were so. Nay, more, my Lords, that they have made a party and a partial Report.

There is another matter on which I entreat your Lordships to reflect for one moment. Have they furnished the evidence they took? No, not a word. What they have reported to us is their own opinion, founded upon that evidence. I should like to know, the evidence being taken, why it is not reported? The reason is obvious,—it is because it would not have borne out the conclusions which they have drawn from it. No, my Lords, that would not have suited their purpose. If the evidence had been reported, the circumstances would not have been such as they appear in the Report. There is another circumstance attending this Report,—and it is a remarkable one,—and that is, the opinion and protest of Sir Francis Palgrave. He not only protested against, but he has stated his objections to, the Report of the Commissioners in a separate Report. Now, my Lords, the Commissioners knew of that opinion and that protest; therefore why do they not give us the evidence, to bear out their own opinions in opposition to those

of Sir Francis Palgrave? This they have not done in any one case in the Report. For all these reasons I confess I consider these five folio volumes, which I have perused, to be of no more value than so much waste paper. They are really nothing more than party or partial Reports, which ought never to have been written; and at least we ought to have the evidence upon which they have been founded. I go into the Committee, however, with a sincere desire to make the Bill a beneficial measure, and to apply it to those corporations which really do appear to require amendment.

My noble friend who spoke at the bottom of the House, and my noble friend who spoke last, appear to think there is no evidence of dissatisfaction with the corporations; and I cannot say, my Lords, that I have myself seen any evidence of such dissatisfaction. But I cannot help seeing that, in the course of a few years, there may have been occasion for much dissatisfaction, for the people have advanced in riches, in knowledge, and in luxury, and have much improved in their condition in life; and it is therefore natural they should wish to participate in the administration of their own affairs. Adverting to this state of things, I cannot but think there exists a desire that these corporations should, in some degree, be thrown open to the people; and, under these circumstances, I am certainly prepared to consider the establishment of a municipal system in this country, founded, in the first place, upon the free election of those who are to have the administration, they being properly qualified for that purpose.

There is another circumstance, my Lords, which has induced me to consider some reform in the administration of these towns as at this moment essential,—which is, that there is scarcely one of them in which there is not some trust existing for the administration of duties which properly belong to the municipal administration,—in some, trusts for the regulation of the police,—in others, for paving, lighting, or watching, or some such object,—all of which, having, by means of local statutes or private Bills, Parliamentary trusts, are a real evasion of the original purpose of the charters, which confer on the corporation the power of levying upon the people those charges which are necessary for executing these branches of the municipal authority. Bath is one instance; Liverpool is another. The corporation of each of these places is possessed of the necessary powers, under its charter; but Parliament has thought proper to transfer each of the objects I have

mentioned to a separate and independent trust. Seeing this to be the case, it appears to me expedient to proceed a step further, and to establish a municipal system upon a principle which will be satisfactory to all. Under all this circumstances, it is my wish to go into Committee upon this Bill, sincerely desiring to amend it, so as to establish a system of government in the corporate towns which will be satisfactory to the inhabitants, and at the same time secure all those great objects which I mentioned at the commencement of my address to your Lordships,—namely, the rights of the Crown, and the privileges of the people, of the officers of the corporations, and of all who are entitled to any participation in the corporation funds.

Amendment withdrawn.

August 14, 1835.

In Committee,

Lord LYNDHURST having moved an amendment on Clause 16,

After some discussion,

THE DUKE OF WELLINGTON said:

The noble Lord opposite has reasoned this case as if the election were to turn on the vote of a single individual; but that is not the case. That which is proposed is, that there should be a qualification, and the qualification is that—say out of 1200—200 of the best qualified, paying the highest rates, should be the persons from whom the council shall be selected. The noble Lord says he would prefer having no qualification at all. I certainly am of a different opinion; it is a matter of judgment; but I declare my own to be, that when you are going to intrust those persons with that discretion and power which councillors must possess, leaving them to perform their duties without any control whatever, it does become this House and the Legislature of the country to have some security for the due discharge of such important functions. It is the uniform practice of this country, when trusts of this sort are created, to require that the persons shall offer some security, in property, previously to being invested with the powers. That is the case in every one of those trusts which have been adverted to. I have never seen nor heard of one in which some qualification has not been required; it is always required that the persons shall have some property—100*l.* a-year, or 500*l.* a-year, and, in some instances, 1000*l.*—before they are

qualified to act. Now, we are going to invest those persons with higher and larger powers than are given in any one of those trusts established by Parliament; and yet we are told we must not require any qualification whatever from them; and, above all, not the qualification which has been proposed by my noble and learned friend. Now, every other qualification I have heard of is liable to fraud; but this is not liable to that objection. This qualification is to be applied to 186 boroughs: and you talk of establishing a qualification of 500*l.* or 100*l.* a-year. My Lords, do we know anything yet about those boroughs? Do we know whether there are persons with 1000*l.*, or 500*l.*, or 100*l.* a-year, or any other qualification of that amount,—or can you name them? Then, if 20*l.* rating be fixed, how do we know that there are such qualified persons, or in what number, in some of those boroughs? But this amended qualification has the recommendation of applying equally, and fairly, and uniformly, and with certainty, to a large town and a small borough.

Amendment rejected by 120 to 39.

August 17, 1835.

In Committee,

Lord LYNDHURST having moved certain amendments on Clause 24, and Viscount MELBOURNE having taken part in the discussion,

THE DUKE OF WELLINGTON said:

It is highly satisfactory to hear the tone in which the noble Viscount has addressed himself to this subject; and I do not find anything in his speech which should at all tend to render any noble Lords dissatisfied with that tone. But the noble Viscount is much mistaken if he suppose that there is any difference of opinion between the noble and learned Lord (Lyndhurst) and those who act with me on this side of the House, and who are prepared to give their concurrence and support to the amendments which he has had the honor of proposing. I can assure the House that there is no such difference of opinion between us. My noble and learned friend has proposed these measures to the House because he is a most distinguished member of that learned profession to which he belongs; and being the Peer, also, the most distinguished for his eloquence—at least on this side—he was undoubtedly the person most qualified of any in this House to propose these amend-

ments, to explain their nature, to urge their importance, and recommend their adoption by your Lordships. But the noble Viscount, I repeat, greatly misunderstands my noble friend, and those who have spoken on this occasion, if he supposes there is any difference of opinion among us on these questions, or that we do not all feel upon them in unison with my noble and learned friend. I certainly do feel as my noble friend does, and I think I have already stated in this House that it would have been desirable if Government had pursued a very different course with respect to this measure. Although I entertain as strongly as any of your Lordships the desire to make an efficient alteration in the system that prevails with respect to these municipal corporations, yet the conclusion to which I came on reading those Reports was, that it would be absolutely impossible to frame any Bill which should at once include every one of them. Such a Bill, however, has been introduced, and I cannot consent to it without some very great alterations being inserted in it. The noble and learned Lord who has just spoken on this occasion, with his usual ability, has drawn a parallel between the House of Commons and the assemblies which will be constituted by this Bill. Now the difference between them is, that these town-councils will be far more democratical, being in fact annually elected, and, consequently, more liable to the control of the constituency. The House of Commons has neither patronage nor power; but these town-councils are to be put in possession of all the patronage and power of the existing corporations; although the sphere of their action is but limited, yet their powers within that sphere are greater than those vested in any assembly existing in any part of the world. These town-councils will be invested with the power, among other things, of declaring that to be a nuisance, or an offence, which our laws have never declared to be so. They will have the unlimited power of imposing what rates they choose, and incurring what expenses they please, on the mere allegation that they do so for the benefit of the people. They are to succeed a body acting under various Acts of Parliament, who had, indeed, the power to raise money for their various trusts; but in every one of those Acts there is a limitation to the amount to be raised. In this Act there is no limitation whatever. The power is unlimited and unparalleled which these bodies will have in taxing and rating, provided only that the ostensible object can be brought under the description of

some object conducive to the public benefit or convenience of the inhabitants. Now, in the constitution of a body to be invested with such powers as the 91st clause provides, I certainly do think there ought to be some check on the abuse or malversation imposed. There is a large property in almost all of these towns to be administered, and why should not those to be intrusted with its administration have some property to qualify them for that office? I say, likewise, that His Majesty and the public, as well as the inhabitants of these towns, are interested in good administration; and that that is another reason why we should take care that those to be intrusted with that office should be men the best qualified by their property, education, and habits to perform its important functions.

With respect to the appointment of aldermen already in office, I am very desirous to go still further to maintain the form of these ancient borough constitutions; but it appears to be impossible, consistently with the new principle recently introduced: and yet it is absolutely necessary that even the name of 'aldermen' should be preserved. In many of these boroughs there are certain duties and trusts that must be performed by the 'mayor and aldermen.' In one corporation (Oxford) I happen to know that there are some offices to which the 'mayor and aldermen' must make the appointment; and I do really believe they would lose the charity altogether if they were to discontinue, in that form and style, making such appointments. The aldermen of Coventry, too, possess a certain property: they administer Sir Thomas White's charity; and, in that character, enjoy a certain portion of the revenue, which is just as much their property as the property granted to me by the public is my property; and I cannot see how you can dispossess them of that property. Under these circumstances, considering it necessary to have persons of this description for life in those corporations, I do not understand how you can pass over the names of those now holding for life; against whom, after the most attentive perusal of these Reports, I must say I have not seen the slightest charge in any shape substantiated. I shall not detain your Lordships further;—I am anxious to see this Bill pass with such amendments as shall give it good effect, and prove generally satisfactory to the country at large.

Amendment rejected by 126 to 39.

August 18, 1835.

In Committee,

Lord LYNDHURST having moved an amendment,

THE DUKE OF WELLINGTON said:

The noble and learned Lord (Brougham) has not stated his argument with his usual distinctness and ability. I defy the noble and learned Lord to show me a clause in any Act of Parliament which confers such a power as this is intended to convey to the town-councils. There is a great difference between a custom giving to lords-lieutenants of counties the power of recommending to the Lord Chancellor and such a clause as this, in an Act of Parliament, which gives to the council of these towns the power of recommending to His Majesty. This is a great distinction; and I ask why it should be made in favour of these town-councils? I must say, while upon this subject, that the lord-lieutenant is now and then placed in a very difficult position in reference to the recommendation of those magistrates. Those magistrates must act together in petty and quarter sessions; and it does happen, sometimes, that gentlemen are recommended from high quarters to be appointed to such situations, with whom others in the Commission would not like to act. Under these circumstances, I am not surprised that the noble and learned Lord should have found some instances in which lords-lieutenants had had some difficulties in appointing certain persons,—he being responsible for the unity of action of the whole. That is the only difficulty which arises in the appointment of magistrates of the county. I happen to be lord-lieutenant of a county in which the four members for the county are of opinions different from mine. I must say, however, that I never had the smallest difficulty in receiving the recommendations of any of the principal gentry of the county, having nothing whatever to consider but whether the individual recommended was a fit and proper person to fill the situation, and whether others would be ready to act along with him. But the person appointed by the noble and learned Lord (Brougham), whatever might have been his personal qualities as an officer, and general fitness for the situation, had been guilty of an offence for which he was bound over to keep the peace towards another member of the bench; and it was under these circumstances that his nomination was opposed.

August 19, 1835.

MILITIA STAFF REDUCTION BILL.

Viscount MELBOURNE having moved that the House go into Committee on this Bill,

THE DUKE OF WELLINGTON said:

My Lords, the Militia is a force by which the Government is enabled, at a small expense, and without keeping up an unconstitutional force, always to put the country in that state of preparation in which a great nation ought ever to be, but in which this country cannot be, in reference to the other Powers of Europe, without such aid. The last change made in this force left it in that condition which could be made a state of organization preparatory to its being brought into a state of discipline. But the ballot has been since suspended for a year, and the King was obliged, in one year, subsequently, to use the power he had to call the Militia out by Proclamation; and it will be recollected that, in that year, the country was obliged to rely on the Militia Staff for the guard of the gaols during the riots of 1829. Now, under these circumstances, I do claim for the Militia the admission, not only of its great importance as regards the internal safety of the country, and the relative position of this kingdom with respect to foreign States, but I must also claim credit for it—such, I repeat, as it was left in 1829—as a force greatly instrumental in preserving the tranquillity of the country. What is to be done by the proposed arrangement now before us? The Militia Staff is to be reduced to nearly one-half its present amount, the ballot to be suspended for another year. My Lords, though I would not object to an occasional suspension of the ballot, yet I must say these frequent suspensions tend greatly to impair, if not altogether to destroy, the machinery by which that system has been worked; and, therefore, they will greatly increase the difficulty of raising such a body of men hereafter, should that proceeding be required, with any great expedition. It may be said that you may have recourse to the ballot again when you require it: no doubt you may; but what I am insisting upon is, that you will almost render it useless, because the machinery by which the ballot can be carried on will be greatly impaired, if not destroyed, by such frequent suspensions.

Now, my Lords, I say this is a serious state in which to leave

the Militia in the present condition of the country. I do not rise for the purpose of opposing the Bill, because I think it would be useless, at the present late period of the Session, to send it back to the House of Commons, and because I am aware that the money for it has been already voted on the scale to which it is proposed to reduce it; but I do hope the noble Viscount will take an opportunity of re-considering the whole state of the Militia, with a view of placing it not only in a state of organization, but of efficient discipline. As to the power of His Majesty, I am aware that he may call out the Militia in case of exigency: but, at the same time, he must call Parliament together within a given period, and, perhaps, submit to be questioned by foreign Powers as to the cause of his so acting. Let me again hope, my Lords, in conclusion, that the noble Viscount will consent to revise the whole policy of our Militia system. I can assure him that I shall be most happy to give him any assistance in my power to render that system permanent and efficient for the country.

After some observations from Viscount MELBOURNE and others,

THE DUKE OF WELLINGTON said:

When I spoke of organization, I spoke of it as distinct from discipline. By organization I meant that the Militia should be accustomed to meet in troops or small divisions: thus making the men know who were their officers and non-commissioned officers; but in order to do this you must have a Staff,—and my fear is, that you will cut down the Staff so low as to prevent your having any efficient organization. As to the prerogative of the Crown to suspend the ballot, or to call out the Militia, I will suppose for a moment that the latter course is adopted, and that any negotiation should be going on with a foreign power at the time,—the British Minister would be naturally asked what was the cause of such step; but this would be some months before the organization itself could take place.

Bill committeed.

August 24, 1835.

CHURCH OF IRELAND BILL.

In Committee,
On Clause 7 being proposed,

THE DUKE OF WELLINGTON said:

I object to this clause, on the ground that it deprives the clergy of the rent-charges, and hands them over to Commissioners: they are to be managed by the Woods and Forests department. These Commissioners are to pay the amount on receiving orders from the Ecclesiastical Commissioners. I disapprove of this plan; I see every reason to object to the disappropriation of the rent-charges from the hands of the clergy, and the appropriation of their property into those of His Majesty, because the effect of such a proceeding must be to make the clergy stipendiary on the Crown. I think it a great advantage that the clergy should be quite independent of the Crown in their enjoyment of this species of property. The object of the amendment which I mean to propose in the clause is to leave the collection of the rent-charges in the hands of the Ecclesiastical Commissioners, and to avoid appropriating the property, as at present, in His Majesty, for the purpose of having it collected by the Commissioners of Woods and Forests, and by them finally handed over to the Ecclesiastical Commissioners. I am fully aware that, in consequence of this arrangement, the clergy will suffer various and considerable disadvantages; but I prefer those disadvantages to the inconvenience attendant on the plan of allowing their revenues to go into the hands of the Woods and Forests. In saying this, I speak not only my own opinion, but what I believe to be the sentiment of the entire body of the clergy at large, more particularly in Ireland. I move to omit, in the second line, the words 'His Majesty,' for the purpose of inserting these words,—'the Ecclesiastical Commissioners of Ireland.' The clause, as amended, will run thus: 'And be it enacted, that the said rent-charges shall be vested in and payable to the Ecclesiastical Commissioners of Ireland,' &c.

After some discussion,

THE DUKE OF WELLINGTON said:

I have no objection to postpone my amendment till the bringing up of the Report. I understand, clearly, that the Ecclesiastical Commissioners must labour under a disadvantage as compared with the Commissioners of Land Revenue in the collection of this property; but I think great advantage would, nevertheless, arise to the clergy and the public, by keeping the revenues in the hands of those to whom they properly belong; and I, therefore, much

prefer that course to making over the income of the Church to His Majesty. I do not need to be informed by the noble and learned Lord (Plunket), that, though individual clergymen constitute corporations sole, yet that the whole body of the clergy does not form a corporation—I have not spoken of them as such.

August 24, 1835.

In Committee,

After some discussion, Viscount MELBOURNE having addressed the House,

THE DUKE OF WELLINGTON said:

I feel myself called upon to say one word, in consequence of what has just fallen from the noble Viscount. The noble Viscount has stated what his intention is, in case your Lordships should agree to reject this clause from the Bill. Your Lordships have also heard from the noble and learned Lord a very exaggerated statement of the consequences of the vote to which your Lordships, I believe, are about to come, respecting the unfortunate persons who are the objects of this Bill. I earnestly entreat your Lordships, notwithstanding the menaces—as I must call them—of the noble Viscount,—notwithstanding the exaggerated statement of the noble and learned Lord,—to concur in the motion of my noble friend. The noble Viscount has told your Lordships that the two parts of this Bill, one of which your Lordships are as ready to accept as they are to reject the other, are intimately connected together by reason and common sense. Now I have listened with attention to all the arguments urged on this subject, and I have not been able to trace the connexion between them. I have looked into all the accounts which have been laid upon the Table; I have examined, with care and attention, all the papers which His Majesty's Government have presented to Parliament; and I must say that, having seen the degree of spoliation which is to be carried into execution under this Bill, and having taken into my calculation every shilling that could be screwed and extracted from the incomes of these unfortunate clergymen, the whole amount to be procured from them, and that, too, after trenching upon the funds devoted to other purposes by another Act of Parliament, will not leave a surplus of more than 40,000*l*, a-year—and this, too, after all that the noble Marquis (of Lansdowne) has talked of respecting the 'enormous' amounts of the receipts of the clergy.

The whole of those receipts, if distributed equally among the clergy of the Established Church of Ireland, would not give each clergyman, on an average, 300*l.* a-year. The noble Viscount told your Lordships, on a former occasion, that he was entitled to your support now, because he had announced to you his intentions on this subject at an early period of the Session, and because you have given him your support during the progress and continuance of the Session. Undoubtedly, your Lordships did give the noble Viscount that support. I have myself done everything in my power to advance and promote the business of Government. I have, however, opposed the Administration on this Bill, and also on another Bill, for no other reason than that I felt it was my duty to give my opposition to those measures. I should be sorry, very sorry, if the noble Viscount should persist in his resolution not to carry this measure into execution, in case the decision goes against him this night. My desire is to give the noble Viscount every support in carrying the King's business into execution; but the noble Viscount has no right to expect from me that I should fail in performing my duty to His Majesty and to my country. In conclusion, I must say, that, considering the manner in which this measure was brought forward in the other House of Parliament, and all that passed in that assembly upon this subject, it is not fair that the responsibility of any danger arising from the rejection of this measure should be thrown upon those whom a conscientious sense of duty compels to vote against it.

September 2, 1835.

REGISTRATION OF VOTERS (IRELAND) BILL.

Viscount DUNCANNON moved that the House go into Committee on this Bill.

Viscount MELBOURNE having, in the course of debate, made some observations with regard to the conduct of the Opposition,

THE DUKE OF WELLINGTON said:

I hope your Lordships will allow me to address a few words to you in consequence of the attack which has been made upon me by the noble Viscount who has just sat down. Since I have had the honor of a seat in this House, I have invariably avoided everything like personal allusions, and most particularly allusions

to persons who were not present to defend themselves against accusations which might be made against them. It has never, I believe, happened to me—I am sure I do not recollect such a case—to mention the name of the individual to whom the noble Viscount has referred. I entertain my opinion of that person as other of your Lordships do; but it is not my habit to speak ill of people, particularly, as I have said before, behind their backs. It has pleased the noble Viscount, however, to compare the violence of that party with the violence of another party, on whom he means to insinuate that I and others lean for support. All I can say upon that subject is this, that I have never depended for support on any party but the loyal subjects of His Majesty. I never depended for support on an individual who had been convicted of a misdemeanor, and who, after having been so convicted was promoted by the Ministers of the Crown. Now, with respect to the Bill before the House, it goes to repeal that which was considered, at the time it was entered into (in 1829), a solemn compact with those persons of whom the gentleman who has been referred to is considered the leader. The measure introduced in 1832—to which I had no wish to refer, if I had not been called upon, unnecessarily as it appears to me, to do so, by the noble Viscount—has placed in the hands of that individual political power which is notoriously such as was never yet possessed by any individual in this country during the different ministerial changes which have occurred from the Revolution down to the present period. It is, I repeat, notorious, that that individual has power in another place, such as, perhaps, no individual ever possessed before in this country. What is the object and necessary consequence of this Bill? To increase, still further, the political power of that individual established by the Reform Bill, contrary to the stipulations made by the Bill of 1829; and that is a thing of which the noble Viscount makes a boast at the same time that he reproaches us, forsooth, with courting popularity when we were in office. It is perfectly true that when we were in office we proposed several measures which we thought would be satisfactory to the country. They were measures growing out of others which had been previously adopted. They were not measures against which we had pledged ourselves—to my knowledge. My right honorable friend, who proposed them in the House of Commons, stated that they were measures which he had never opposed, but, on the contrary,

had uniformly supported, whenever they were under discussion. There was not one measure brought forward by my right honorable friend to which any Member of his Government in this House, that I know of, ever objected. Those measures would, I believe, have proved satisfactory to the country as far as they went, and we professed ourselves ready to take into consideration any other propositions which might be made with a view of benefiting the country. The noble Viscount now comes forward and accuses us of courting popularity because he is sensible that he has neglected his duty by omitting to urge forward any of the measures introduced by the late Government. The only measure which he has brought forward is one which tends still further to establish and confirm in Ireland a power which he knows—which he must know—cannot be otherwise than injurious to the best interests of the empire. I had no intention of entering into this discussion, and I feel that I have now said no more than was necessary in answer to the attack which the noble Viscount thought proper to make upon me, and which I beg leave to add was entirely unprovoked on my part.

Bill committeed.

September 3, 1835.

CHURCH OF IRELAND BILL.

Lord LYNDHURST having, in presenting a petition from Ipswich against this measure, made some remarks, to which Viscount MELBOURNE replied,

THE DUKE OF WELLINGTON said:

I cannot, my Lords, refrain from offering one or two words in answer to what has fallen from the noble Viscount at the head of His Majesty's Government. In the first place, I beg to ask whether responsibility can possibly rest with those who have no power over the Bill, and whether it does not lie with those who have power over the Bill, but who pretend to say they have not the power to pass a particular part of it? The noble Lords opposite contend that the two parts of the Bill are inseparably connected. My Lords, one part of the Bill goes to provide for the recovery of tithes—the other goes to confiscate a certain number of Church benefices. Now, I should be glad to know what connexion there is between these two parts of the Bill? The noble,

Viscount has spoken twice on this subject, but on neither occasion has he given your Lordships any proof whatever that there subsists any connexion between these two parts of the Bill. I, on the contrary, maintain that, so far from being inseparably connected, they ought to be made the subjects of two distinct Bills. If the noble Viscount deemed it proper to introduce a proposition for confiscating a large number of benefices, why did he not submit it distinctly to the House—why did he not bring it forward fairly, and allow it to be decided on its own intrinsic merits, without referring at all to the other parts of the measure? But the noble Viscount has thought proper to mix the two questions together. For what purpose did he so mix them? In order to accomplish the destruction of the Church of Ireland. Yes, to accomplish the destruction of the Church of Ireland, under cover of the other part of the measure; and having failed in attaining that purpose, the noble Viscount thinks proper to accuse this side of the House of having neglected a measure for the arrangement of the tithe question. The noble Viscount says that we rejected a similar measure last year. My Lords, you did reject it; but my noble friend below me explained, last night, what were the grounds on which we discarded that measure. It was not a Bill for the settlement of the tithe-question, but a Bill for converting tithes into a rent-charge, and for the purpose of remitting two-fifths of the amount of tithes, and for payment out of the Consolidated Fund of the remaining three-fifths. It was a measure which made the clergy of the Church of Ireland what I, for one, could not consent to see them —it made them dependent stipendiaries upon the two Houses of Parliament. I voted against that Bill, and I intended to propose an amendment to the first part of the Bill of this year upon the same ground. Whatever might be the consequences, I would oppose that part of the Bill; but I must assert that, for the consequences of not proceeding with that Bill at all, we, on this side of the House, are not responsible.

September 4, 1835.

MUNICIPAL CORPORATIONS BILL.

Viscount MELBOURNE moved that their Lordships do take into consideration the Commons' amendments on this Bill.

Lord LYNDHURST and Lord BROUGHAM having addressed the House,

THE DUKE OF WELLINGTON said:

After the able speeches which your Lordships have heard from my noble and learned friend, and from the noble and learned Lord opposite,—as well as from the noble Viscount who opened the present discussion,—I feel no disposition to detain your Lordships at any great length upon the present occasion; and I can assure your Lordships I am most peculiarly anxious not to disturb the temper with which this discussion has been to-night carried forward. But it is impossible for me to allow that discussion to approach to a close without adverting to some of the topics which have been handled in the debates arising out of the consideration of this Bill. I entirely concur and agree in the character which has been given by my noble and learned friend of the amendments in general that have been made by the Commons' House of Parliament, not upon the Bill, but upon the amendments which had been previously proposed and adopted in this House. Most particularly do I agree in the observations which fell from my noble and learned friend upon the amendment made by the Commons with regard to the aldermen for life. I am one of those who took, I will say, great pains when first the papers connected with this measure were communicated to your Lordships, to make myself master of all the information those documents contained; and I must add, that, having perused all those documents, I came to the conclusion that, instead of there being much to allege against the ancient corporations of the kingdom, it was only astonishing how little could be stated against them. The real impression on my mind was, that nothing could be alleged against those bodies except some circumstances which related to the elections of Members of Parliament at various periods previous to the adoption and passing of the Reform Bill. If those allegations were struck out of the Reports of the Commissioners, there would exist, in fact, no charges against the constitution of the ancient corporations of this country. Under these circumstances, when I first saw this Bill, and examined the extent to which it was carried, I did think that the measure was so far one of injustice, that it ought not to be adopted by this House. It was with these sentiments that I entered into the discussion of this Bill; nay, before it came up to this House from the other House of Parliament, I certainly did feel that it would be impossible for this House to entertain or consider a measure, the principle of which involved the extinction of

existing interests which I believe it to be essential to preserve. While I conceived that the rights of property should be regarded, I also was of opinion that that system of exclusion which characterized ancient corporations should not be carried further than was absolutely necessary, and that, in order to carry the principle of the Bill into execution, an end should be put to the system of self-election, and that other provisions corresponding with that principle should be adopted. It was on these grounds and on that principle that I concurred with my noble and learned friend in proposing to your Lordships both the qualification—on the principle adopted by the House of Commons—and the other provisions for the continuance of the aldermen, in existing corporations, for life. I most certainly felt that not only was it desirable that the ancient corporations should not wholly be destroyed, without due care being taken of the interests of those who held offices in them under royal charters, but also, that, in the new corporations, in the new councils, it was desirable that interests for life should be preserved or created to meet the democratic influence which is raised under other provisions of this Bill.

With respect to that part of the measure which goes to secure the interests of those who held their offices as aldermen for life under the ancient corporations, I confess that I believed that, when both this and the other House of Parliament came fairly to the consideration of the question, both Houses would adopt the principle of preserving the interests of those who held for life under ancient charters. I am sorry, however, to find that such is not only not the opinion of the majority, but that it does not seem to be the opinion of any man in the other House, that those interests should be preserved. It appears that they had been unanimously given up, and I conceive it would be nugatory for your Lordships now to contend for the adoption of that principle. I cannot express the sorrow and concern with which I make this statement to your Lordships. I act, in this respect, on the principle of preserving rights and property in this country; and I will maintain that the rights of the aldermen of the ancient corporations, under charters granted by the Crown, are as valid rights as those which your Lordships enjoy, and under which you hold your seats in this House. Of those rights I confess I will never be a party to the abandonment. I stated this when first the measure was brought under the consideration of your Lordships—I enter-

tain the same opinion after the discussions which have taken place in this and the other House of Parliament—and I conceive that in other respects the adoption of the principle for which I contend would be useful to the new councils—would tend much to the regularity of the business proceedings of the corporate bodies, and at the same time become a means of thereby preserving the rights of both the old and the new corporate bodies. The House of Commons has, however, decided (and I believe almost unanimously) against such a proposition; but at the same time they have sent up a proposal for the consideration of your Lordships, which goes to the establishment of a body of aldermen to be elected for a certain number of years, by the town-council, instead of by popular election, a proposition which I certainly must say (although I do not approve of that part of the measure) I prefer to that which was originally contained in the Bill sent up to this House from the Commons. I admit that I should have preferred that the parties now holding office should continue to do so for their lives, and eventually should be selected by the new council; yet, failing this, I am rejoiced to find that the aldermen are to be elected by what I may call a secondary election, instead of being chosen by the popular voice. On the other points, touching the amendments, I do not feel it necessary that I should long detain your Lordships, the more especially as all those topics have been entered into with great detail and ability by my noble and learned friend. But in answer to the noble and learned Lord opposite, upon the subject of justices to be recommended to the Crown for selection, I must observe that the lords-lieutenants of counties have no power by law to recommend to his Majesty parties to whom the commission of the peace ought to issue—and it is only to the *custos rotulorum* of a county that this power is, by courtesy, conceded. Neither is the lord-lieutenant of a county responsible for the selection of the magistracy—that responsibility rests upon the Lord Chancellor, who appoints them; and I contend that this principle would be better followed by fixing the nomination of the parties in responsible individuals (as, for instance, the holder of the Great Seal), who would be answerable for it, rather than in a town-council (as proposed by the House of Commons), who will be wholly irresponsible. In the paper of reasons for disagreeing with your Lordships' amendments, it is stated that those persons who recommend individuals for the magisterial appointments should be held re-

sponsible. Did ever anybody hear of a town-council being a responsible body? That council may possibly consist of from eighteen to fifty individuals; and is each and every of these to be held responsible for those whom the majority of the body may recommend to the Crown for selection? Such a proposition is quite impossible in point of practice, and monstrous and nugatory in theory as well as effect.

Upon the point with regard to the division of the towns into wards, I must remark that that has nothing whatever to do with the prescribed qualification with which it has been mixed up. I concur in the principle of a qualification of 1000*l.* in large towns, and 500*l.* in smaller towns; but this consideration is, in my judgment, wholly apart from the subject of the division of towns into wards. That subject, however, it will be proper for me to discuss when the question comes properly before the House; and, though I will not unnecessarily trespass upon your Lordships' attention, I am anxious thus to express myself upon that part of the Bill which relates to the aldermen. I cannot avoid adverting to what has been stated by my noble and learned friend, and by the noble and learned Lord opposite, upon the subject of the attacks which have been made upon my noble and learned friend. I will not weaken what has been so well said by both those noble and learned Lords, by attempting a panegyric upon the talent, the ability, the firmness of purpose, and the determination, of my noble and learned friend, in carrying on these amendments; but I will declare, and I do admit myself to be the person who solicited my noble and learned friend (Lord Lyndhurst) to undertake the management of those amendments. I made that solicitation, and that request, well knowing the talent, the ability, the capacity for business, the great legal acquirements, the eloquence, of my noble and learned friend, and the influence which he so justly possesses in your Lordships' House; and if there was anything wrong in making that request, or if my noble and learned friend has been erroneous in the course of his amendments, I am responsible for them—responsible, equally, in character, with my noble and learned friend. I repeat that I am the person who solicited my noble and learned friend to come forward on this occasion. At present, my Lords, I will not trouble your Lordships further.

[SECOND SESSION OF THE TWELFTH IMPERIAL PARLIAMENT.—6 WILLIAM IV.]

February 4, 1836.

ADDRESS TO THE THRONE.

The Duke of LEINSTER having moved, and the Earl of BURLINGTON having seconded the Address,

THE DUKE OF WELLINGTON said:

My Lords, I entirely concur in the opinions expressed by the noble Duke and noble Earl opposite, as to the great importance of the Speech which has this day been delivered from the Throne. I believe, my Lords, that there never was a Speech delivered from that Throne embracing so many important topics, upon all of which so much might be said, and with respect to many of which so much public interest is felt. It would be impossible for me to attempt to discuss all these topics upon the present occasion; many other opportunities of doing so will arise, and of those opportunities I will avail myself. I shall therefore follow the example of the noble Lords opposite, and say but little on any of them; and I wish that, consistently with my sense of public duty, I could attend to the suggestion of the noble Earl who spoke last, and not oppose any part of the Address which has been offered to your Lordships' consideration. My Lords, I sincerely rejoice in the first part of His Majesty's Speech, in which he informs us that he entertains no apprehension that the peace of Europe—or, I should rather say, the peace of the world—will be disturbed. I confess, my Lords, that, from what I had heard of armaments being prepared, or in a state of preparation, in the different ports of this kingdom, I was somewhat apprehensive that we might receive different information upon this occasion; and it is most satisfactory to find, not only that no ground for such apprehensions exist, but that His Majesty continues to receive from all foreign Powers, Potentates, and States, their assurances of continued friendship towards this country; and that the armaments which we have heard of as being in a state of preparation for some months have been got in readiness for the purpose of guarding and protecting the extended commerce of this country. Nothing can be more satisfactory than these assurances, because I am convinced that the great object of this country should not only be

peace for itself, but peace for the whole world; and at the present time it is more peculiarly so than it has ever been at any other period. I confess, my Lords, I regret that the maritime force of this country was reduced, a few years ago, by the very amount of men which, I believe, it is now intended to add to it; because, if that reduction had not taken place at that time, the alarm and apprehension to which I have alluded as being created by the increase of our maritime force at this moment would not have occurred. But for this circumstance I should not have considered it necessary to trouble your Lordships at all on this part of the Speech.

I am not desirous to throw any difficulties in the way of His Majesty's Government; on the contrary, I should wish the Address of this House to His Majesty, in answer to His Majesty's Speech, to pass unanimously; but there is one paragraph in the Speech, and a particular answer in respect of that paragraph in the Address, in which I find it absolutely impossible for me to concur. According to the usual practice of Parliament, I believe the King has not been in the habit of entering into the particular principles on which measures to be proposed by the Government, and to be submitted to your Lordships, should proceed. The usual practice has been for the Crown to draw the attention of Parliament to particular subjects, and to state that measures would be proposed for the consideration of the Legislature with reference to those subjects. It has been also usual for Parliament, in answer to such communications, to state that it would take those subjects into its serious consideration. But in the Speech of to-day His Majesty says, in referring to one particular subject—namely, that of corporation reform in Ireland—

'You are already in possession of the Report of the Commission appointed to inquire into the state of the Municipal Corporations in Ireland, and I entertain the hope that it will be in your power to apply to any defects and evils which may have been shown to exist in those institutions a remedy founded upon the same principles as those of the Acts which have already passed for England and Scotland.'

Now, my Lords, I say it has not been usual for the Sovereign, in his Speech from the Throne, to indicate the particular principles upon which any measures to be proposed to Parliament should be framed. The noble Earl who seconded the Address stated very truly that the House ought not to be pledged with respect to the

principles, or anything contained in the measures referred to in the Speech from the Throne. All the House has, upon former occasions, been called upon to do, has been to state in the Address that the House would take the subjects referred to in the Speech into its serious consideration. The noble Earl, with that good sense which distinguishes him, stated clearly that the House ought not to be called upon to recognise special principles; and I must say that the novelty - for novelty I must call it—which has been introduced by His Majesty's Ministers into the Speech from the Throne, has greatly surprised me. I, for one, cannot, therefore, concur in that portion of the Address which runs thus:—

'To assure his Majesty that, being already in possession of the Report of the Commission appointed to inquire into the state of the Municipal Corporations in Ireland, we partake in the hope that it will be in our power to apply to any defects and evils which may have been shown to exist in those institutions a remedy founded upon the same principles as those of the Acts which have been already passed in England and Scotland.'

I must say, my Lords, that I cannot partake in those hopes. I will not, on the first night of the Session, enter upon a discussion of the subject, but I will state that I cannot pledge myself, nor can I call on your Lordships to pledge yourselves, by assuring His Majesty that you partake in a hope which you do not feel. I shall, therefore, propose to the House an amendment to that part of the Address which I have read. I cannot for a moment suppose that your Lordships can pledge yourselves to those principles alluded to in the Speech from the Throne, and I hope, therefore, that this House will agree to the alteration which I propose to make in the Address. The paragraph now stands thus:—'That, being already in possession of the Report of the Commission appointed to inquire into the state of the municipal corporations in Ireland, we partake in the hope—' I propose to leave out all the words after the word 'Ireland,' for the purpose of introducing the following:—'We will proceed, without delay, to the consideration of any defects or evils that may have been shown to exist in those institutions, for the purpose of applying such remedies as may obviate just causes of complaint, and ensure the impartial administration of justice.' I will not detain your Lordships further on the subject of the Address. I feel the great importance of every one of the topics alluded to in it, and in most of them I agree; but I shall reserve any observations I have to

make on them for future occasions, as they may be brought in due time and form before the House. I cannot sit down, however, without asking the noble Viscount at the head of His Majesty's Government what course he intends to pursue with regard to the measures referred to in His Majesty's Speech? I beg to inquire whether it is the noble Viscount's intention to bring them forward in this House in the first instance; or whether care will be taken that your Lordships shall have them placed before you at such an early and convenient period as will enable the House to bestow upon them that mature consideration to which they are entitled, instead of delaying them, as was the case last year, when the most important measures were introduced towards the latter end of the month of August?

Viscount MELBOURNE having consented to the amendment,

THE DUKE OF WELLINGTON said:

My Lords, in proportion to the pain I felt in moving this amendment, do I now feel satisfaction that the noble Lords opposite, to whom I offer my sincere thanks, have adopted it. As to the explanation which has been given, I shall merely observe, that I objected to the words of the Address because they appeared to me to pledge your Lordships to the principles of a measure which you have not yet had the opportunity of discussing and considering. On the other hand, your Lordships cannot require from the noble Lords opposite that they should abandon any principles which they think it their duty to maintain. All I shall say further on this subject is, that I shall come to a consideration of the measure with a sincere desire of perfecting it, and carrying into execution the objects which I have stated in my amendment.

February 23, 1836.

APPOINTMENT OF BOROUGH MAGISTRATES.

Lord WHARNCLIFFE, in moving for a return of Lord John Russell's circular letter to the Town Clerks, or other officers of the municipal boroughs, brought forward the subject of the appointment of magistrates in boroughs under the Municipal Corporations Act.

Viscount MELBOURNE defended the system which had been pursued.

The Earl of WINCHILSEA denounced the appointments as being exclusively of one side in politics.

THE DUKE OF WELLINGTON said:

My Lords, upon the present occasion, the subject being one which I have observed has excited very great interest in the country, I am anxious to offer to your Lordships a very few observations: and first, I must beg leave to suggest to the noble Viscount opposite, that he has totally omitted, in his consideration of the present question, one very important principle, which was frequently laid down by that noble Lord and other noble Lords on his side of the House, particularly a learned Baron who is now absent, during the discussion upon the measure last Session, viz. the extreme importance of dividing the administration of justice from the Municipal Government of the Corporations—the extreme importance of carrying that principle into effect by the Bill then under consideration. It was with that motive, my Lords, and for the furtherance of that object, that I gave my vote in favor of vesting exclusively in the Crown the appointment of the municipal magistrates. The principle of the exclusive nomination by the Crown having thus been assented to both by this and the other House of Parliament, I confess, my Lords, it does appear to me that the noble Lord, the Secretary of State for the Home Department, ought never to have been induced to make a declaration to the other House respecting the course he should think fit to pursue in the nomination of magistrates. In the propriety of that declaration I cannot concur, because it is a declaration entirely inconsistent with the principle of the measure as it received the royal assent, and because it is entirely inconsistent also with another principle of law, which is this, that it is the duty of the Lord Chancellor, and not of the Secretary of State, to advise the Crown as to the appointment of magistrates. I do not say that he may not take the advice of this counsel or that, but I do say that it is my Lord Chancellor whose duty it is to advise the Crown upon the subject, that it is my Lord Chancellor who is responsible to this and the other House of Parliament for the appointment of persons fit and proper for the administration of justice in the country. The nomination of the present magistrates has not given general satisfaction. The statement of the noble Lord himself has clearly proved that it was a party nomination. Is there any man in this House who does not believe that it was a party nomination? And these are nominations made by the Secretary of State, while the Lord Chancellor is the person who ought to have advised the

Crown as to the appointments. This, my Lords, is a subject well deserving the serious attention of Parliament, because I do say that the conduct of the noble Lord, the Secretary of State, is quite and irreconcileably inconsistent with the principle of the measure. I know that the nomination of magistrates which has been made by his Majesty's Government has produced very great dissatisfaction in many parts of the country. There are many parties who feel strongly that they are not likely to have justice fairly and impartially administered to them, to have their rights and interests duly protected, or their affairs satisfactorily administered. Under the circumstances, I beg also to return my sincere thanks to my noble friend for having brought the subject under the consideration of the House.

Motion agreed to.

March 29, 1836.

MUNICIPAL CORPORATIONS ACT AMENDMENT BILL.

The LORD CHANCELLOR (Cottenham) moved the second reading of this Bill.

THE DUKE OF WELLINGTON said:

I do not rise with the intention of endeavoring to induce your Lordships to vote against the motion which has just been made by the noble and learned Lord. I do not mean to contend that it may not be very desirable that a Bill, having for its object the remedy of the inconveniences the noble and learned Lord has pointed out, should pass; nor do I impugn the view which the noble and learned Lord has taken of the subject; but that of which I do complain is, that this Bill, which has been under consideration in another place for a considerable length of time, should be brought into your Lordships' House at this period of the Session, and that it should be passed through the House at a moment at which it is impossible it can receive from us fair consideration and deliberation. Many of those noble Lords, who took part in the discussion of the measure introduced last Session, are not at present in the House. I will say, that a most important personage who took a part in the discussion of the original Bill is absent. Neither, I would observe, was that Peer in the House on

the former evening when this subject was introduced. I therefore, at that time, entreated the noble Viscount opposite to postpone this stage of the Bill—the regular stage for the discussion of a measure of this description—to a period at which a noble and learned friend of mine, and other noble and learned lords, would be in their places, in order to take a part in the discussion. I called on the noble Viscount to do so for this reason—because it is a complicated measure. It has required the elaborate statement of the noble and learned Lord to explain a very small part of it to your Lordships. I say only a small part of it; for on looking at the measure attentively, as it is my duty to do, I find that the noble and learned Lord has left unexplained many most important parts of the Bill. I will say, besides, as an additional reason for postponement, that this is a measure which has attracted a great deal of public attention; and with respect to which, I must observe, I have received as many letters and as many applications, strongly drawing my attention to the subject, from all parts of the kingdom, as I ever received with reference to any measure that has been brought in my time under the consideration of this House. Under these circumstances I was anxious that the noble Viscount should be so kind as to postpone the second reading of this Bill (the second reading being the proper time for discussing the principle of the measure), until the House should be better prepared to take that principle into consideration than it can be on the present occasion.

I have stated that the noble and learned Lord has not explained all the features of this Bill; that he has touched on only a few of them. He has not, for instance, noticed the particular enactments relative to Berwick and Coventry. Those enactments are supposed to have been under consideration in another place; but the necessity for the alterations proposed was not explained in that House, nor has it been explained here. There is also another part of this Bill which the noble and learned Lord has not explained to the House. I mean that enactment which enables the burgesses, in corporations, to elect the mayor and aldermen, after a certain period, in case the councillors shall not have thought proper to elect them. It was a principle proposed in another place, and adopted in this House—a principle which I highly approve—that the mayor and aldermen should be elected by the corporation, by the councillors; but this principle is departed from

by one of the clauses of the present Bill, which the noble and learned Lord has not even pointed out to your Lordships. Under these circumstances I think that you ought to have a fair opportunity of discussing this question, on its principle, in some future stage. I do not wish to throw any impediment in the way of his Majesty's Government, but upon this I insist, that the House has a right to expect to be treated fairly on a question of this description, to which the public mind has been so anxiously turned. Your Lordships ought to have the liberty of discussing the principle not only when going into Committee, but likewise, if you think proper, on the second reading. I feel it necessary to offer these observations to your Lordships. I requested the noble Viscount, on the former occasion, to postpone the second reading of this Bill. I will not, however, now oppose the motion; but I must enter my protest against passing over an important measure, such as this unquestionably is, without the fullest and most mature deliberation and discussion.

Bill read a second time.

April 12, 1836.

CONSTABULARY (IRELAND) BILL.

Viscount DUNCANNON moved the second reading of this Bill.
After some discussion,

THE DUKE OF WELLINGTON said:

After the detail which has been entered into by my noble friend (the Earl of Haddington), it is unnecessary to enter into a comparison of the two Bills, that of last year and the Bill now before your Lordships; but I cannot help calling your attention to the difference of the expense entailed between the two measures. The expense of the Bill of last year amounted to 346,000*l.* a-year, which is about 100,000*l.* a-year above the average expense of the existing system. The expense, however, of the proposed Bill is 425,000*l.* a-year, being a surplus of nearly 100,000*l.* over that of last year, and 200,000*l.* above the average expense of the present system. I think we ought at least to be convinced of the necessity of this Bill, and of the benefits it will confer upon Ireland, before we adopt such a system as it proposes. I admit that

I came down to the House under the impression that the Bill would effect the dismissal of the present force; but the noble Viscount has stated that no such thing is intended, and with that declaration I am satisfied, but I think it ought to be embodied in the Bill. Let the Lord-Lieutenant have the power of dismissal if it be necessary, but let us not have an end at once put to the whole police force of the country. I participate with my noble friend (the Earl of Haddington) in his objection, and certainly it is one which is strongly felt in the country, to the appointment of officers by the Government, to the enormous amount of about one hundred, at salaries of 300*l.*, 400*l.*, and 500*l.* a-year. This is a serious matter, my Lords, especially at a time when it is even admitted by noble Lords that the duty has been hitherto well discharged by the existing police at half the expense. I confess my feeling is strong upon this subject, because the additional expense is thrown upon the landed proprietors in Ireland—an additional expense of 200,000*l.* a-year—a considerable expense to them, especially as the Bill which is to entail it upon them at the same time deprives them of the only protection which can be afforded them by the civil power in the recovery of their property.

The noble Lord who spoke last alluded to that clause of the Bill which contains a restriction as to the employment of the constables by the magistrates—the 10th clause of the Bill. He says that it agrees with a clause in the Act 7 and 8 Geo. IV., called 'An Act for the Establishment of Petty Sessions in Ireland.' It is true that the Act does not contain a restrictive clause of the kind, but it is totally different from the 10th clause of this Bill, and requires the most particular attention of your Lordships in the Committee; and it gives to the Lord-Lieutenant of Ireland a most extraordinary power, one which your Lordships, I think, will not be inclined to confer either upon him or upon any other man. By this clause, my Lords, it distinctly appears that the Lord-Lieutenant, a political officer, is to be the sole judge and arbitrator, when, where, and how the force under consideration is to be employed for the recovery of rent or tithe, or for any other purpose whatsoever. I am convinced, my Lords, that, when your Lordships compare this clause with the similar one in the other Act, you will not be surprised that my noble friend near me should have felt it his duty to call the attention of the House to that as the most important part of the proposed

measure. When the Bill shall go into Committee, I shall take the liberty of again calling your Lordships' attention to this clause. Had it not been for the observations which have fallen from the noble Baron opposite, I should not, at its present stage, have taken up your Lordships' time for a single moment by any remarks on the measure.

May 9, 1836.

MUNICIPAL CORPORATIONS (IRELAND) BILL.

In Committee,

Lord LYNDHURST moved that Clause 22 be struck out.

The Duke of RICHMOND and the Marquis of LANSDOWNE supported the clause.

THE DUKE OF WELLINGTON said:

My Lords, the noble Marquis, as well as the noble and learned Lord who addressed your Lordships about an hour since upon this subject, appear to me to argue this as if it were a question solely respecting the preservation of corporation property. To me it appears to be quite otherwise. By the Bill now under discussion, increased power is given to corporations. That appears to me to be its sole object. The corporations of Ireland, large as well as small, and the towns mentioned in Schedule A—Belfast, Dublin, Galway, Kilkenny, Limerick—all those which it is the object of my noble friend to retain—are deprived of all these privileges, except those of electing the mayor and administering property. But, by this Bill, they have thrown upon them, besides the power of electing the mayor, the powers of governing the several towns committed to their charge; which powers those corporations do not possess at present, and which powers are not given to the English corporations. If your Lordships examine the details of the Bill now on the Table of your House, you will find it to be one of the most tyrannical measures that has ever been submitted to the consideration of any House of Parliament; never was there any measure investing an individual with greater power than that which it confers upon the Lord-Lieutenant, at the same time that it deprives the corporations themselves of the power of administering justice, and of almost every other privilege which heretofore they have possessed. I call on your Lordships to look to the power that is conferred on these corporations. I will take the case of

Cork; the qualification of voters is to be a 10*l.* qualification, the amount to be made up of any property which the voters may hold, and they are to elect these corporate assemblies, consisting of persons holding property to the amount of 1000*l.*; and then, these corporate assemblies are to have the power of levying the rates, not according to the manner of the county-rates, as in the English Bill, but according to the principle of the Act of 9 Geo. IV. c. 82, which empowers the levying of the rates in the following manner:—On property amounting to 5*l.* and under 10*l.*, sixpence in the pound; from 10*l.* to 20*l.*, ninepence in the pound; and 20*l.* and upwards, one shilling in the pound. They are empowered to levy the rates in the manner in which I have stated, something else being first performed—namely, the making out the lists by the churchwardens, and then by the town-clerks; this part of the arrangement having no more reference to the Act of 9 Geo. IV. than any act relating to the city of London. Except by the Act of 9 Geo. IV. they have no power to impose a rate.

The noble Marquis asks why, since particular powers have been imparted to the corporations of England, similar powers are not to be given to the towns of Ireland? Is it possible that the noble Marquis's attention has never been drawn to the different situations of the two countries? Does he forget the many painful Bills which your Lordships have had, from time to time, under your consideration, and which were rendered imperatively necessary by the state of that country, in order to ensure the preservation of the public peace? Do noble Lords think there is no difference between the people of England and of Ireland? Is the history of property in that country forgotten?—and likewise the history of religion, and the state of society thence arising? How can any one suppose that the same system of government will suit both countries? By-the-bye, the noble Lords opposite scarcely seem to think so themselves; for, while they profess to assimilate the two measures to each other, they introduce a wide difference, apparently conscious that they cannot, in dealing with Ireland, abide by the principle upon which they set out. I must maintain that the measure that is urged upon the adoption of your Lordships is one which, so far from being a liberal and comprehensive measure, is calculated to erect a new exclusion upon the ruins of the old one—to call into existence another and more intolerable species of domination than that which has been recently abolished. For

these various reasons, I cannot but entertain the deepest apprehension for the safety, the comfort, and the independence of those Protestants who, under the altered system, may reside in the large towns. I wish further to remind your Lordships, that in proportion as the former basis upon which the corporate system existed was corrupt, so should that which is erected in its stead be of a nature not to throw additional or at least too great power into the hands of those who are hostile to the now disabled party, lest that power should be perverted to gratify a revengeful spirit. On these grounds, my Lords, I object to the present Bill. I am averse to such a violent revolution in the exercise of power, to gratify the ambition of a few individuals. Considering, too, that the corporations are, by the measure proposed by his Majesty's Ministers, deprived of all their powers, excepting those of electing the mayor and of managing property, I think the better proceeding is to adopt the plan proposed by my noble and learned friend.

Clause struck out.

May 31, 1836.

BISHOPRIC OF DURHAM BILL.

The Marquis of LANSDOWNE moved the second reading of this Bill.

The Marquis of LONDONDERRY and the Archbishop of CANTERBURY having addressed the House,

THE DUKE OF WELLINGTON said:

My Lords, I wish to state the reasons which induce me to vote for the second reading of this Bill. It appears to me that the arguments urged by the noble Marquis do not go against the second reading of the Bill, but that they refer to another Bill, which is hereafter to come under the consideration of your Lordships' House. Though I also object to the construction of certain clauses, which will be again submitted to your consideration in Committee, there is no man who agrees more entirely than I do in all that has been stated by my noble friend and the most Reverend Prelate with respect to the charities and excellent conduct of the late Bishop of Durham. There was no man in this country who felt more respect for that venerated Prelate than I did; and having had the honor of seeing him in his own diocese, I can well affirm that there was no man who was more respected.

It is to be lamented that the circumstances of the times have rendered it necessary to deprive the See of Durham of the means of continuing the benefactions and the charities which its late holder so largely bestowed. This Bill may be allowed to go to a second reading, though there are details connected with it which it may hereafter be necessary for Parliament to examine into. As I understand that this Bill has been recommended by the Commission which I was a party in recommending His Majesty to establish, I deem it my duty to support the recommendations of that Commission in Parliament; and I do so with the reservation only of that part which the noble and learned Lord who spoke from the second Bench objects to. The consideration of the two last clauses, which the noble Marquis who spoke from the floor has objected to, may be properly attended to in Committee. I must say, with respect to the 29th clause, that it appears to me to be necessary on account of the appointment of a new Bishop; and if that clause were not inserted in the Bill, it would be supposed that it was intended that he should be deprived of some of his revenues and lordships. Then, if the 30th clause were not inserted, the effect would be, that the new Bishop would come into possession of all the lands and property belonging to the See; and Parliament would be precluded from dealing with any portion of that property hereafter—although there is a Bill now depending in Parliament which has for its object the regulation of the revenues of the See of Durham. On these grounds, I believe these two clauses to be necessary; and therefore I shall be disposed to support them in Committee. If my noble friend object to them, this is not the stage for his opposition — the present question being merely whether or not this Bill, recommended by the Commissioners, should go to a second reading?—and having been a party to the appointment of that Commission, I shall support their recommendation by voting for it.

Bill read a second time.

June 3, 1836.

RAILWAYS.

The Marquis of CLANRICARDE, in connexion with the third reading of a Railway Bill, said he understood the Duke of Wellington contemplated some motion on the subject of Railways.

THE DUKE OF WELLINGTON said:

I certainly have a very strong feeling on the subject of all these railways to be traversed by the aid of steam. I sincerely wish that all these projects could prove successful; but in proportion as they may be successful, in the same proportion is it desirable that there should not be a perpetual monopoly established in the country. Under these circumstances I have a strong feeling that it is desirable to insert in all these Bills some clause to enable the Government or the Parliament to revise the enactments contained in them at some future specific period. I conceive that by carrying these measures into execution, a very great injustice is often done to many landed proprietors in the country; and they are forced either to submit to great inconvenience, or to contend against that inconvenience by incurring a very large expense, both in this and in the other House of Parliament. If some measure of the description to which I allude be not adopted, and if these railroads are to become monopolies in the hands of the present or of future proprietors, we shall hereafter be only enabled to get the better of such monopolies by forming fresh lines of road, to the further detriment of the interests of the landed proprietors, and at a great increase of expense and inconvenience. These circumstances have most forcibly struck my mind. I have had the subject under consideration for some days; I have conversed with others respecting it, and it appears to me that some plan ought to be devised in order to bring these railroads under the supervision of Parliament at some future period. I therefore am anxious that the further proceedings in all these Bills should be suspended for a short time, in order that I may propose some clause, or introduce some measure, to meet the object to which I have referred. I think it is a subject, the consideration of which ought not to fall on any individual. It is, I conceive, a matter which the Government should take into its especial consideration. I am, however, perfectly ready to share the responsibility with the Government in proposing such a measure for the consideration of the House; but I do think that something ought to be done, in order that the Legislature may be invested with the power of revising these enactments within a stated interval.

June 7, 1836.

ROMAN CATHOLIC CLERGY.

Lord LYNDHURST having moved that a petition from a Roman Catholic clergyman in Ireland, complaining of injustice, be read at full length,

Lord HOLLAND and Viscount MELBOURNE objected to the proposition; which was supported by the Earl of WICKLOW.

THE DUKE OF WELLINGTON said:

After the speech that has been made by my noble friend below me, I would not, my Lords, have said one word upon this subject, but for the concluding observation of the noble Viscount opposite. The objection made by the noble Baron opposite to the reception of this petition does appear to me to be most extraordinary. I am astonished to find the noble Baron (Lord Holland), above all other persons in this House, object to the presentation of a petition from an individual with reference to a subject on which he can have no redress from this House; for, if I am not greatly mistaken, I have heard the noble Lord himself present a petition from certain clergymen of the diocese of Peterborough, complaining of the questions put to them by the Bishop of that diocese, preparatory to ordination. But, at all events, I have never heard such an opinion expressed by any one (the noble Viscount has been too prudent and discreet to express it) as that expressed by the noble Baron, that such a petition ought not to be received. Will the noble Baron move, as an amendment to my noble and learned friend's motion, 'That the petition be rejected'?—for that is the course which the noble Baron ought to take if he seriously think that the petition ought not to be received. It is very true that, as the noble Baron has said, this House cannot take any steps to redress the grievance of which the petitioner complains; but I never heard of any instance—and, in my opinion, the noble Baron will be unable to find any instance—of the rejection of a petition to your Lordships, respectfully worded, only because no ulterior steps could be taken respecting it. The noble Baron says that, in some former debate in this House, my noble and learned friend has talked of Irish subjects of the Roman Catholic persuasion as being aliens in religion, aliens in feeling, aliens in principle, and aliens in blood to the rest of the country. But I beg to ask your Lordships whether, if the circumstances

which have been stated by my noble and learned friend respecting the present petitioner be true, my noble and learned friend was not justified in speaking of the Roman Catholic clergy in Ireland as he did speak of them? I want to know whether an inhabitant of this empire, going to Rome on a subject of this kind, and thereby appealing to a foreign tribunal, is not in the very state which has been described by my noble and learned friend?

I must advert to some of the arguments which have been used by the noble Viscount. The noble Viscount asserts that the Act of Parliament for relieving Roman Catholics from civil disabilities cannot be supposed to prohibit the use of certain titles used by certain persons in the exercise of their religious authority, because, forsooth, the Roman Catholic Church is an episcopal Church, and, therefore, that it is absolutely necessary to use episcopal titles in its administration. But do we never hear of Roman Catholics in any other part of the world but Ireland? The law has forbidden, and has succeeded in preventing, the use of episcopal titles by the Roman Catholics in England; and the law has equally forbidden, although it has not succeeded in preventing, the use of episcopal titles by the Roman Catholics in Ireland. The law, the execution of which rests in the hands of the noble Lord opposite, is not at present sufficient to prevent the use of those titles in Ireland. But if we look to other countries we shall find that those titles are abolished; and if we look to this country, we shall see that, though there are persons still exercising these powers and authorities in the Catholic religion, yet that the law in this respect has nevertheless been obeyed; and in my opinion the law ought, in like manner, to be enforced in Ireland.

June 14, 1836.

RAILWAYS.

THE DUKE OF WELLINGTON said:

Having, my Lords, observed a notice given of a Railway Bill to be read a third time on Thursday next, I wish to be informed —as it is connected with the subject—whether His Majesty's Ministers are prepared with any general measure upon this subject, so very important as regards the interests of this country?

The Marquis of LANSDOWNE intimated that a measure on the subject would be brought before the other House of Parliament.

THE DUKE OF WELLINGTON said:

I concur, my Lords, in the views that have been expressed upon this subject by the noble Marquis. Hearing that there is a measure of this kind before the other House, I can only say that I hope there will be no delay to the proposed measure. I think it highly expedient that the Bills now before this House should be rendered subject to any general regulation which the House may afterwards adopt. Therefore, with the permission of the House, I shall read a clause which I have prepared on the subject, and which I think should be introduced into every Railway Bill that comes under your Lordships' consideration prior to the adoption of any general plan. I shall read the clause now, and then lay it on the Table of the House, in order that it may be printed and considered by your Lordships previous to Thursday next, when I will move its insertion in the first Railway Bill that comes before the House. The clause is this:—

'Provided always, and be it further enacted, that nothing herein contained shall extend, or be construed, deemed, or taken to extend, to exempt the railroad to be formed under or by virtue of the powers in and by this Act contained and given, or any branch thereof, from the provisions of any general Act or general Acts for the regulation of railroads, which may be passed with a view to the advantage, protection, and security of the public, before the expiration of one year from the passing of this Act, if Parliament shall be sitting at the expiration of such period of one year, or (if Parliament shall not then be sitting) before the end of the then next Session of Parliament.'

June 1[illegible]1836.

The Marquis of CLANRICARDE having moved the third reading of a Railway Bill,

THE DUKE OF WELLINGTON said:

This, I apprehend, is the time at which I ought to suggest the clause of which I have given notice, it being a clause that has not only reference to this Bill, but which I propose shall also be introduced into all future Railroad Bills that may come under the consideration of your Lordships. I do not understand that there is any objection on the part of your Lordships to some measure of this description being adopted. At the same time I have seen in circulation a paper, signed by certain persons interested in rail-

ways, in which they set forth their objection to a clause of this sort. I conceive that it is in the power of your Lordships to attach any condition you may think it your duty to impose on any parties who come before you for powers to construct a railway, or any other kind of public work; and as railways are in general a novelty in this country, and as they are now carried on to a very great extent, I think it is expedient that Parliament should have time to consider the subject, in order that it may be able to make such regulations as may be found necessary to render them beneficial to the public, and prevent their becoming monopolies in the hands of particular individuals; for which evil there would be no remedy whatever except the construction of other railroads, to the great injury of private property, and the comfort and happiness of those living in the line of direction of these works. Under these circumstances, and understanding, as I do, that some members of the Government have turned their attention to the subject, and that some gentlemen in the other House of Parliament have done the same, and intend to bring in a Bill to enable Parliament to regulate these works to a greater extent than it at present has the power to do, I feel it to be my duty to propose to your Lordships a clause to the following effect:—

'Provided always, and be it further enacted, that nothing herein contained shall extend, or be construed, deemed, or taken to extend, to exempt the railroad to be formed under or by virtue of the powers in and by this Act contained and given, or any branch thereof, from the provisions of any general Act or general Acts for the regulation of railroads which may be passed with a view to the advantage, protection, and security of the public, before the expiration of one year from the passing of this Act of Parliament, if Parliament shall be sitting at the expiration of such period of one year, or (if Parliament shall not then be sitting) before the end of the then next Session of Parliament.'

I beg to move that this clause be inserted immediately before the last clause in the Bill.

After some discussion,

THE DUKE OF WELLINGTON said:

I think, my Lords, that if your Lordships were to appoint a Committee for the purpose of considering the Standing Orders, with a view to applying the result of that consideration to the Railway Bills now before the House, you would be adopting a much harsher measure towards the parties than if you were to acquiesce in the clause which I propose. The consequence of adopting the

mode of proceeding suggested by the noble Earl would be, to stop all the Railroad Bills now before the House, until the result of the Committee's consideration of the Standing Orders was made known. That which I propose to your Lordships is, that you should insert into each of these Bills a clause which will render the works proposed to be accomplished under them liable to any future general provision which Parliament, in its wisdom, may think fit to adopt for the regulation of all undertakings of this kind.

The noble Lord (Hatherton) who spoke from the opposite side of the House contemplates the possibility of rejecting these Bills, and of postponing the consideration of them until another Session of Parliament, by which time some general provision may be adopted. But I, my Lords, do not desire that the Bills should be rejected; I desire that they should go on; but, since they have been before Parliament, it has been the universal opinion that some general provision should be made for their regulation. That has been the expressed opinion of the other House of Parliament; and it appears, from what has been stated by my noble friend near me, that it is the opinion of your Lordships' House also. I ask your Lordships, then, to adopt this clause, with the view of giving the public the advantage of the future deliberate consideration of Parliament, with respect to all those vast undertakings in the shape of railways which are at present advancing.

The noble Lord (Hatherton) who addressed your Lordships but a short time since, said that there was no chance of these establishments becoming monopolies. But I think, my Lords, that the noble Lord, at the very time he made that assertion, stated enough to show that, where successful, these establishments are likely to become monopolies; and, moreover, that the remedy which he anticipates for the monopoly would consist in that very thing to which I have uniformly objected and expressed my anxiety to avoid—namely, the construction of other roads of the same description in the same parts of the country. This, my Lords, is the very contingency which it is one of the chief objects of my clause to prevent. I have no objection whatever to the construction of these works, wherever it can be proved to the satisfaction of both Houses of Parliament that they will be useful and beneficial; but what I desire is, that we may not have the country cut up in all directions by roads of this description, merely for the purpose of getting rid of monopolies, the establishment of which it should be

the care of Parliament to prevent in the first instance. This, my Lords, is all I call upon your Lordships to provide for. I do not ask you to go into a long inquiry connected with it, or to frame for yourselves regulations which may throw impediments in the way of these works. That which I ask you to do is, simply, to provide the means of applying any regulation which, in future, Parliament, after due consideration, may think it right and necessary to adopt. Is it not, I ask, better that we should adopt such a course than that we should follow the suggestion of the noble Lord opposite, and throw all these Bills over until another Session of Parliament? That noble Lord (Hatherton) has adverted to the Manchester and Liverpool Railway, in which a limitation of profits has been imposed by the Legislature. I do not now recommend any such measure to your Lordships; in point of fact, I do not recommend anything to you; all that I am anxious for is, that Parliament may hereafter have the opportunity of applying to the Bills now in progress any general regulation which it may think proper to adopt. I have already said that there is a growing feeling, both in this and the other House of Parliament, that the Legislature has gone too fast upon this subject, and I now contend that it is one which requires further and more mature consideration. All that I entreat of your Lordships is, to enable yourselves and the other House of Parliament to consider the subject maturely in the present and during the next Session of Parliament.

The amendment was ultimately withdrawn.

June 27, 1836.

MUNICIPAL CORPORATIONS (IRELAND) BILL.

Viscount MELBOURNE called the attention of their Lordships to the Commons' amendments to this Bill.

After a protracted discussion,

THE DUKE OF WELLINGTON said:

The noble Baron (Holland), having been absent from the House during the greater portion of the evening, and more particularly during the early portion of it, has heard none of the addresses to your Lordships deprecating the threats to which he has referred, and entreating the House not to attend to them.

The noble Baron, however, has admitted the existence of those threats, and yet he says that we have for our object the crushing of individuals! Now, I have heard no speech to-night, on the part of any noble Lord, which had for its object anything except the defence of the character of this House, and the character of a noble Peer, from the attacks of individuals. As for my own part, in an early period of the evening I expressed my sentiments with regard to those threats, which met with the approbation of noble Lords opposite, and likewise of the noble Lord who sits on the Cross Bench. I then intreated your Lordships not to attend to those threats or menaces on the one hand, and on the other not to be swayed by the apprehension that it might be said we had attended to those threats; but that we should follow the course we might think most proper to be taken, according to the best of our judgment for the interests of the country. This was the advice which I gave early in the evening, and I now repeat it. One would suppose from the speech of the noble Lord that the three-fourths of the people of Ireland whom he had in contemplation throughout all his observations had always been in the enjoyment of the local government of their own corporations. Is such the case? On the contrary, what I, and those who act with me, are prepared to admit, is, precisely, that the corporations existing in Ireland, on account of the exclusive principle upon which they have been uniformly conducted, have given reasonable cause of dissatisfaction to a large proportion of the Irish people. Under these circumstances it is, that we are prepared and desirous to put an end to those corporations. We are told of the rights of the people of Ireland to have corporations; but I am aware of no such right, except in the cases of corporations granted by the King's charter, or by Act of Parliament. To these corporations it is that, by Act of Parliament, we are disposed to put an end, on account of the principle on which they were established, and of the mode in which that principle has been exercised, contrary to the spirit of different Acts of Parliament, from the year 1793 down to the present moment. But noble Lords opposite, and the Bill of the House of Commons, go still further. That Bill, as it stands, does not merely put an end to these corporations, and all their mischiefs and exclusiveness, but it goes on to form other corporations equally exclusive in their nature, and which will put the governing power in the hands of three-fourths of the people—the

Catholics—to the exclusion and oppression of the remainder of the population.

Noble Lords opposite have drawn a comparison between this measure and Catholic emancipation, which was nothing more nor less than a measure for enabling a class of persons, who long had a right of voting for Members of Parliament, to sit in Parliament themselves, and to hold all corporate offices—which latter, by-the-bye, they were entitled to under the operation of the Act of 1793. But what does this measure propose? Why, not only that they shall have the right of sitting in Parliament and electing Members to serve therein, but that they shall also have the right, exclusively, of governing all those towns from the government of which they had been excluded, almost to a man, from the remotest period down to the present. This is a species of revolution in the affairs of the towns of Ireland which I, for one, will never sanction. But the noble Lord says, 'Oh, it is not at all proved that the persons elected to govern these towns will be all persons of that description—of that class which is apprehended; and if such were even found to be the case, it will not in the least signify, because, on the government of towns being once made over to that class of persons, they will soon become the greatest people in the universe.' Now, I would beg to call to your Lordships' recollection who those persons are by referring to former transactions, and to those we see going on every day; and then, to ask your Lordships whether it is possible you can transfer those towns over to the government of such persons with justice to the other classes of the community who at present wield that power. The House will see that the lower classes of persons, who would elect the town-councils, are almost entirely Roman Catholics; and that the persons to be most affected by taxation, the power of imposing which would be placed in the town-councils, would be Protestants.

It is clear, from all the Reports to both Houses of Parliament, and from all the facts daily occurring, that the great body of persons admitted to the election of town-councils under this Bill would be Roman Catholics, the inevitable consequence of which would be, the formation in all the towns of an exclusive Roman Catholic corporate body in the place of the Protestant body, which has hitherto been predominant. This would be to replace one evil by a still greater one. I object to forming these corporations for no other purpose whatever except to give them the power of

taxing their fellow-citizens; for, by the Bill under consideration—whether we take the Bill as it was first sent up from the Commons, or in its present shape—the persons elected to power in the new corporations have no power except to tax their fellow-citizens. Such a power would be most mischievous. Under this Bill the lowest class of persons are to elect the town-councils. These town-councils are to have the power of taxing their fellow-citizens—not every individual in equal proportion, as in England, in the shape of a town-rate—but according to the principle of 9 Geo. IV., namely, that every man shall be taxed singly, doubly, trebly, quadruply, in proportion to the property of which he may happen to be possessed. This is a most unjust system of taxation when made compulsory. It may be very well when left, as by that Act, 9 Geo. IV., it was left, at the option of the town, whether it should be put into effect or not; but when it comes to be forced upon towns whether they will have it or not, it becomes the most unjust principle of taxation ever put into operation; and I solemnly protest against it on that account. I beg your Lordships to observe that this principle of taxation is, by the Bill as it now stands, to be forced upon the citizens of Dublin, for instance, Belfast, or Cork, or any other constituency now governed by local Acts of Parliament, in addition to the taxes already imposed by those different Acts; and if any towns should happen to have adopted the 9th of Geo. IV., and voluntarily submitted to be taxed according to its provisions, by the persons and for the objects therein recited, they would besides have to be taxed over again by these town-councils. It is, therefore, upon this ground—the corporations being formed for no other purpose whatsoever but for the purpose of taxation, everything else to be provided for having been positively taken away from them by the Bill, and handed over to the Lord-Lieutenant—it is upon this ground that I, for one, will support the measure as it was formerly sanctioned by your Lordships, and reject the amendments sent up by the House of Commons.

But there are other parts of this subject to which I think it necessary to advert, although they have already been so fully discussed by my noble friend on the floor (Lord Ellenborough), and by my noble and learned friend behind me (Lord Lyndhurst). The noble Viscount (Melbourne) who commenced the debate, as well as the noble Earl (Grey) who spoke from the Cross Bench, expressed their great satisfaction at the moderation which has been

shown by the House of Commons with reference to this subject. Now I am not disposed to advance anything at all calculated to create or increase any irritation between the two Houses of Parliament; but I must be allowed to say, that I do think, when the House of Commons charge your Lordships' House with a departure from precedent, they ought to have stated some point or other on which you have so departed; because I consider a departure from precedent by this or the other House of Parliament to be a most serious charge;—it is neither more nor less than an usurpation on the part of this House, when it does depart from precedent. But I maintain that your Lordships' proceeding in this instance is in no degree to be considered as a departure from precedent. In the first place, it is no departure from precedent to instruct the Committee to make an alteration in the Bill; in the next place, it is no departure from precedent to strike out one of the principles of the Bill; it is no departure from precedent to make the most extensive alterations in the Bill; nor is it any departure from precedent to alter the title of the Bill. On all these points the House has proceeded according to the usual practice in such cases, nor is there in any one respect the slightest departure from established precedent. The noble Baron (Lord Holland) who has just sat down, indeed, endeavored on a former occasion to prove that the instruction to the Committee was a departure from precedent, and he quoted a passage from the journals of the House, which, however, the noble Baron did not quote quite correctly, and I say that nothing has occurred in the whole history of this matter which can, on the part of this House, be deemed a departure from established precedent; when such a charge is made against the House of Lords, we should, in justice, have some notion given to us of what that departure from precedent really is. It is perfectly true, as stated by my noble friend, that it might not be desirable to make very extensive alterations in a particular Bill; but if Bills are sent up from the other House of such a character or in such a shape as render it necessary to make great and extensive changes in them, your Lordships should boldly and fearlessly introduce those alterations, and trust to the good sense of the other House and of the public to justify you for having honestly discharged your duty. In this case, having made extensive alterations in the Bill, you have also found it to be your duty to alter its title; and that certainly is not in any

way inconsistent with precedent. My noble and learned friend (Lord Lyndhurst) stated a particular case—the Grampound case—which has occurred within a very few years, wherein the title of the Bill, as to one of its principles, was changed. Under all these circumstances I cannot see that any departure from precedent has taken place in the matter now before us. But there is another point well worthy of your Lordships' attention. I allude to the clause which has been inserted in the Bill as amended by the House of Commons with respect to 9 Geo. IV. The 9th of Geo. IV. is voluntary in its application—it is forced upon no one. The towns may accept it or let it alone, as they please. But what does this Bill do? It imposes its provisions on twenty towns in Ireland, whether they approve of them or not, and whether they be governed, at present, by local Acts or not; in every one of those cases the Act is imposed on them, and they are to be governed by it in future. What my noble and learned friend has stated upon the subject of local Acts is well worthy of your Lordships' consideration. There is no instance where a proposition is made for governing a town by the provisions of a local Act of Parliament, in which all the parties have not previous notice of the intention to apply for that Act, against which they are not heard if they think proper before Committees of both Houses of Parliament, and in which they have not every opportunity they can wish of declaring whether or not they desire to accept the provisions by which they are in future to be governed. But is this the case with respect to these twenty towns? None of them has accepted this Act; and yet, with all its enormous taxation, it is to be imposed on them without their consent. The 9th Geo. IV. being optional, it is by virtue of an alteration in a clause proposed by the House of Commons to be made permanently compulsory; the House of Commons only taking the matter into consideration once, and your Lordships having an opportunity of only taking it into consideration once. Without therefore (I must be allowed to say) the due and adequate consideration of Parliament, it is to be at once imposed on those twenty towns in Ireland, which is a most material consideration. The noble Earl (Grey) who spoke from the cross bench—whom I always hear with the utmost satisfaction, and particularly on the present occasion—has proposed to your Lordships a plan for carrying this measure into execution, of which I have heard something before, but which I cannot help

considering altogether impracticable. It appears to me, in the first place, that in the existing state of this proceeding it is absolutely impossible for the House to adopt such a scheme. I entertain objections to it under any circumstances; but I am quite certain it is wholly impossible at present for the House to adopt that proposition. We have now before us a proposal by the House of Commons to alter certain amendments made by your Lordships in the original Bill; and care should be taken not to depart from the usual rule of our proceedings on such an occasion. I believe I am not mistaken in saying that those rules of proceeding will totally prevent the adoption of the noble Earl's plan. But if they even permitted its adoption, I confess that I have other objections to it, to some of which the noble Earl (Grey) has himself adverted, and which are perfectly conclusive against it in my own mind. That measure must, at all events, be connected with the possible imposition of 9 Geo. IV., and all the taxation in the hands of the corporations connected with that Act, to which I can feel no other than the strongest objection.

The noble Viscount (Melbourne), upon discussing this measure on a former occasion, thought proper to state that the amendments proposed to this Bill had not, he was convinced, been suggested by a right honorable friend of mine who first mentioned them in another place; that they were stronger measures than either my right honorable friend or myself would have thought of proposing; and that they must have been suggested by others who were younger and possibly not quite so cautious. I must be permitted, however, to say that I believe my right honorable friend in the other House was the person who originally proposed them, and I would tell the noble Viscount that the present is only a modification, and a very bad one, of a measure which on a former occasion has been rejected by your Lordships. Your measure certainly went the length of destroying the corporations, because you admitted that they have been the cause of dissatisfaction in Ireland; but you did not propose to put the inhabitants of the towns in Ireland under the government of the adverse sect, who are supposed to have been oppressed by the former corporations. You desired that those towns should, in the first instance, be governed —the noble Lord (Holland) said, despotically, but I say not despotically, but governed by the King, as Westminster, as Southwark, as Finsbury, as Manchester, as Birmingham are; and if

the towns in Ireland are governed as well as any of those places I have mentioned, there cannot, I conceive, be much ground of complaint. At all events, you saved them from the grievance which the noble Lord would inflict upon them—that of being taxed by a town-council, elected by the lowest orders of the people, upon a principle admissible perhaps where the provisions of the Bill might be voluntarily adopted, but altogether unjust if forced by Parliament upon any one of the towns without its consent. Your Lordships having on a former occasion fully considered this measure, and the House of Commons having done no more than propose to you a modification of what has been previously rejected by you, I recommend your Lordships to persevere in insisting on your amendments.

July 11, 1836.

IMPRISONMENT FOR DEBT BILL.

The LORD CHANCELLOR moved the second reading of this Bill.

THE DUKE OF WELLINGTON said:

I feel bound to apologize to the House for rising to address them on this subject immediately after the noble and learned Lord on the Woolsack. It is a subject, however, which has occupied a great deal of public attention, and a vast number of persons are interested in the adoption of some measure of this description. This measure, which erects, as it does, a very large and expensive machinery, and which enacts an entirely new system of law, is one on the consideration of which I feel it to be my duty to come forward, and to protest against its being taken into consideration at this late period of the Session. The noble and learned Lord has accurately stated the dates of the different periods at which this measure has been brought forward in this House. He has stated that it was brought into the House last year at so late a period as the 16th of August, and he also remarked that he had laid the present Bill on the Table on the 30th of June in the present year. The noble and learned Lord compared the period of the 16th of August, 1835, with the period of the 30th of June, 1836, as if there were no other circumstances existing for Parliament to take into its consideration with regard to a subject of this magnitude, but the dates at which the measure was introduced. If I am not

greatly mistaken, there is, at the present moment, a larger quantity of Bills on the Table, and of business before the House, than has been ever known on any former occasion. We have all heard a report within the last few days, and I sincerely hope that it is founded in fact, that Parliament will shortly be prorogued,—namely, at the end of this or at the commencement of the next month; and at the same time, in addition to the business already before us, we expect measures of the greatest importance to be sent up to us from the other House. Under these circumstances, and considering that some noble and learned Lords have already set out on the circuit, and that others will shortly quit the House for the same purpose, I would suggest, that if it was expedient, on the 16th of August, 1835, to postpone the consideration of the measure until another season, it is also expedient to do so on the 11th of July. I would, therefore, recommend that the measure should be brought forward and submitted to the consideration of Parliament early next Session. It has been stated that it was not brought forward at an earlier period of the Session in consequence of the absence of a noble and learned Lord, whose assistance the noble and learned Lord on the Woolsack was anxious to obtain, and whose absence I beg to say that I lament as much as any noble Lord who hears me; but this, in my opinion, is a reason for postponing the measure until next Session. I would, therefore, put it to your Lordships, whether, at the end of the Session, and with such a pressure of business before us as we now witness, it is not absolutely impossible to enter upon the discussion of this Bill at the present time? I do not desire to postpone the consideration of the measure to a later period than is necessary; for I do not say that I disapprove of the principles of the measure, neither do I express any approbation of them; but I must observe, that some parts of it involve most important alterations in the law of the country and in the tenure of property; and, therefore, I recommend your Lordships not to enter upon a consideration of it at a period when you cannot carry it to an advantageous conclusion, or to a result which would be satisfactory to yourselves and the country. In the course of his speech the noble and learned Lord has also stated some circumstances which induce me to think that it would be desirable to postpone the consideration of the measure for some time. The noble and learned Lord said, that in the early part of the Bill, I believe in the first sixteen

clauses, a very important alteration has been made since the last Session of Parliament. The noble and learned Lord also stated, that in the concluding part of the Bill—that part which relates to the more important object of the Bill—I mean the arrest of persons—he intends to propose some further alterations at a future time. It appears, also, that with respect to that part of the Bill which refers to the patronage, which in the opinion of some noble Lords forms no inconsiderable or unimportant part of it, the plan contemplated is liable to many objections; and that many further enactments will be necessary, in order to furnish employment to the vast body of Commissioners which it is contemplated to appoint under this Bill, and to render their appointments beneficial to the public. I confess, in the view which I take of the measure—and I do not intend to enter into a detailed examination of its clauses, or to follow the noble and learned Lord through his lengthened explanation of the several enactments of it—that, instead of considering that it should be dealt with as one Bill, I hold that it should be divided into four Bills. There is one subject quite distinct from the other matters dealt with in the Bill, and which should be treated in a different form—I mean what relates to judgment creditors. There is another subject which should also form a separate Bill, and which is quite distinct from the main parts of it—I mean what is called the *cessio bonorum*. Then there is another distinct subject, namely, what relates to fraudulent debtors, or debtors under confinement in consequence of having been guilty of fraud. The last part is, in my opinion, quite distinct from those parts of the Bill I have just mentioned—I mean what relates to the arrest of the person of the debtor. My Lords, in reference to the first of these subjects, I must observe, that the Bill makes a most remarkable change in the whole system of the tenure of property in this country; a change which it may be necessary to adopt in order to give creditors a fair hold on the property of their debtors; a change, the question of which must be attended to; and of which, if it be found to be really necessary, I shall only say, 'let it be made.'

I have examined some of the Returns on this subject on the Table, and it appears to me, as far as I can collect from the Records of Parliament, that the number of judgment debtors in prison, taken in proportion to the number of all debtors in prison, is indeed quite trifling. From the Returns on the Table, it

appears that the number of judgment debtors against whom affidavits have been sworn and judgment entered up in all the Courts of Record in London, for the last two years and a half, is only 800; whilst, in the same time, no fewer than 123,000 persons were arrested. This is no very glaring case against judgment debtors; and yet, upon it, we are to overturn the whole law applying to landed property in the country. It appears, by the same Return, that the whole number of persons against whom affidavits have been lodged, and judgment followed up in all the Courts at Westminster, for sums above 1000*l.*, was only 300; and not above 100 for sums above 2000*l.*; only 400 out of 123,000 persons arrested. For this, then, is the House prepared to overturn the whole system of the law of debt affecting landed and personal property in the country? If it be true that the great mercantile and the great landed proprietors of the country are persons who are anxious to avoid the payment of their creditors, let us have some measure of the kind; but if that be not true—and from the Paper I have quoted we have evidence of this—then the first fifteen clauses of the Bill are unnecessary. I therefore recommend the House to postpone this measure for a little longer period before they adopt clauses so disagreeable to the country, in order to force judgment debtors to pay debts which they do not appear to be disinclined to pay.

I certainly have not been much in the habit of looking into subjects of this nature, but I cannot help troubling your Lordships with a few observations on another part of the Bill, which I do not clearly understand. I wish, therefore, that some further time should be given, in order that the subject may be allowed to be more fairly considered. The first sixteen clauses refer to judgment debtors; the others, down to 100, refer to debtors against whom there is no judgment: and what is the operation of those clauses? It is to bring debtors who have no judgment against them under the operation of the bankrupt-laws. But how are these persons to be brought under the operation of the bankrupt-laws? They are to petition that they may come within the operation of them. If a man were arrested, then I can understand that he might petition to be brought under the operation of the bankrupt-laws. But it appears that, merely because a man is in debt, he is to be brought under the operation of the bankrupt-laws, and is to be proceeded against accordingly. The trader is

in a different situation. But here is a debtor who owes from 60*l.* to 100*l.*; if he have a quarter of the sum, he may demand to have his property divided under the system of the bankrupt-laws. Surely persons who have given credit to their customers will not be satisfied with such a system? If we divide the Bill into four parts, and deal with each of them separately, we shall see that it cannot be so. The noble and learned Lord spoke of the Insolvent Debtors' Court in terms which I do not think it deserves. If the Returns on the Table are consulted, it will appear that the Insolvent Debtors' Court is a most beneficial Court. It appears, from these documents, that, during the year 1829, 4500 persons were imprisoned for debt in the various prisons of the metropolis; some on judgment, some on *mesne* process. Of this number, 2500 were discharged under the Insolvent Debtors' Act. There were upwards of 1000 remaining in prison at the end of the year; therefore, there remained 1000 persons who must have satisfied their creditors, and thus have liberated themselves. I cannot, therefore, join in calling that Court inefficient which has produced such an effect as that Court has with respect to the debtors. Under the directions of the Commissioners a great number of persons have also been discharged in various parts of the country.

Then, as to the second part. If the period for which the debtor is detained in prison before he can avail himself of the benefit of the Insolvent Act, and be discharged by the Court, is considered too long, why does not the noble and learned Lord bring in a Bill to shorten the term? I believe, however, that two months is fixed upon as the proper period in order to avoid frauds, which would be the consequence of the Court enlarging persons at an early period. But if the noble and learned Lord be of this opinion, why does he not bring in a Bill to enable the Insolvent Debtors' Court to shorten the period of imprisonment in a way by which debtors may be relieved? With respect to the third part of the Bill, which relates to the imprisonment of fraudulent debtors, I do not see what remedy the Bill provides. As the law now stands, the Judge of the Insolvent Debtors' Court has the power of ordering the debtor to be imprisoned for a certain period, who is guilty of fraud. Under this Bill, however, the fraudulent debtor must be regularly indicted. We all know the difficulty of such proceedings; and certainly these difficulties will not be facilitated by means of this Bill.

I now come to the last part of the Bill, by which it is proposed to put a stop to the arrest of debtors, except in cases where there shall be an evident intention on the part of the debtor to withdraw from the country. I believe that the mercantile body, and especially the lower classes of shopkeepers and others, are particularly interested in having some power over the person of the debtor; but I must say, that their interest in having such a power is not greater than that of the lower classes of the people, who have scarcely any resource for the recovery of their debts; and these will be left in the greatest possible difficulty by the Bill, especially those of them who live in large towns. Under these circumstances I entreat noble Lords not to agree to a vote for this Bill without fully investigating the subject, but to pass such a vote as will be necessary to show that you will proceed with the consideration of the subject at a future period. I therefore propose that the second reading of the Bill be postponed until this day three weeks. I do not wish to call upon the House to throw out the Bill, but to postpone the consideration of it for a period.

The Bill was rejected by 46 to 22.

July 22, 1836.

CHURCH OF IRELAND BILL.

Viscount MELBOURNE moved the second reading of this Bill.

THE DUKE OF WELLINGTON said:

Notwithstanding the great length of time for which that branch of the Church established in Ireland has been laboring under great difficulty, yet it has never been in so good a situation as it is at present, owing to the protection which is now afforded by law to the clergy of that Church. Although I might urge that to be the case, I am not disposed to oppose the second reading of this Bill, or to throw any difficulty in the way of its going into Committee, with a view to the further consideration of its objects. This being my determination, and considering the moderate tone, and having observed the moderate position which has been taken by the noble Viscount on this occasion, it is not my intention to trouble your Lordships with many observations. I shall follow the example of the noble Viscount—indeed, I shall

not go so far as he has done, and shall make but two observations upon those the noble Viscount has himself offered in stating the nature of this Bill. I hope your Lordships will be prepared to consider the Bill in Committee with a view to make such amendments in it as may be deemed consistent with the interests of the Church, and the interests of the public—interests which I feel to be intimately connected with it. I do not object to that part of the Bill which gives a rent-charge in lieu of the composition; but I cannot agree with the noble Viscount as to the amount of rent-charge stated by him. Upon this point, however, I will not now enter into details; I will merely state generally that I do not concur in the principle laid down by the noble Viscount. I would say that some opportunity ought to be given for reconsidering the propositions of Lord Stanley's Act, against which I have not yet heard any forcible argument. I admit that, as far as the principle of the Bill is concerned, there may be some old compositions for tithes that require reconsideration. I am likewise disposed to agree to the adoption of some measures to provide for the reconsideration of the distribution of the revenues of the Church of Ireland, with a view to give a more adequate remuneration to those benefices which have the greater amount of duty to perform. I am induced to do this—first, in consideration of the wishes of the Church itself; and secondly, for the benefit of the public. I must, in conclusion, express my firm conviction, that, if justice be done to the Church and to the public, and to all the interests involved in the consideration of this question, there will be left none of that magnificent surplus which the noble Viscount has, with much facility, conjured up, and the contemplation of which appears to afford him such a triumph. From the view which I am disposed to take of the revenues of the Church of Ireland, and their just distribution, I feel convinced that no surplus will be realized; and of this the House will also be convinced when the subject comes fully under its consideration. I will now, however, abstain from entering upon the subject.

Bill read a second time.

July 25, 1836.

In Committee,

Lord LYNDHURST proposed an amendment on Clause 3.

After some discussion,

THE DUKE OF WELLINGTON said:

I wish to call the attention of the House to the real question before it. The question is not as to Parliamentary reform, nor is it the Catholic question, nor whether the concession of those measures came too late or too soon, but it is simply this—whether, when we come to inquire as to a composition for tithes, to be paid as a rent-charge, the sum should be seven-tenths or three-fourths of the amount commuted? I beg to call to the recollection of the House the fact that a large portion of the landlords are now under the necessity of paying the whole amount of 100 per cent. I do not mean to say that all, but a large proportion of them, pay 100 per cent. Other landlords have made a bargain to collect the tithes for 15 per cent.; these now pay 85 per cent. as the amount of tithe composition. The Bill proposes that the rent-charge should be seven-tenths; my noble and learned friend behind me proposes that, instead of seven-tenths, keeping in view the proposition made heretofore to this House, the amount should be 75 per cent. Now, I will ask your Lordships, is not that a fair proposition, considering the relative situation of the two parties, and what has been done up to the present moment, and what is in contemplation? The noble Baron who spoke just now adverted to the proposition made in the year 1834, which proposition was, that the payment should be 80 per cent., then 75 per cent., and afterwards 77½ per cent.; but he forgets that a great proportion of that composition was to be paid out of the Consolidated Fund, and to be repaid by persons whose ability to repay was exceedingly doubtful. It was asserted the other evening, that it was a point agreed to last year that the amount should be 75 per cent.; but I beg to call to your Lordships' recollection that I gave notice of a motion on the subject to be made in Committee. That motion, it is true, was not carried; that is to say, it was postponed. The noble Viscount opposite having thought proper to withdraw the Bill, it was never renewed, and the Committee never met again; therefore I had not the opportunity of renewing my motion. It having been considered last year that 75 per cent. was the fair commutation,—carrying in mind the interests of the one party and the other, I cannot think that your Lordships will entertain any other opinion than that the same amount is the proper proportion to adopt on the present occasion. I have felt myself called on to offer these few words, with a view

to call your Lordships' attention to the real subject before the House. The question is, whether the amount should be seven-tenths or three-fourths?

Amendment adopted.

August 4, 1836.

STAFFORD BOROUGH DISFRANCHISEMENT BILL.

The Marquis of CLANRICARDE moved the second reading of this Bill.

The Earl of DEVON moved that the Bill be read a second time that day three months.

THE DUKE OF WELLINGTON said:

As one of the Committee I beg to say a few words in reference to the course which I mean to pursue on this occasion. This is a Bill which has been put forth on very curious principles. First of all, the Bill recites that corruption has prevailed at elections of Members to serve in Parliament for the borough of Stafford; and it states, not that those who have been corrupted shall be disfranchised (which would have been the fair principle to have acted upon), but it declares that the burgesses and freemen of Stafford shall be disfranchised. I conclude that it means the burgesses and freemen under the charter of incorporation; and that it does not mean the burgesses who have become burgesses under the Municipal Corporation Act. I presume it means the burgesses and freemen under the old corporation of the town. Now, it really does appear to me to be a curious circumstance, that most of these persons are to be disfranchised by name, there being no proof against some of them as to the fact of their having been guilty of any corruption; whilst a large class of persons—namely, the burgesses under the Municipal Corporations Act—are not included in the operation of this Bill; against whom, however, or against many of whom, there are proofs of guilt on the face of the evidence. But there is another curious principle which distinguishes this measure—namely, that, while these burgesses under the corporation, and even the freemen under the corporation, are disfranchised under this Bill, whether they have been guilty of corruption or not, they may be admitted into the freedom of the corporation over again—they may be admitted again into the freedom of the corporation, under the Municipal Corporations

Act, as householders, by paying their taxes and taking up their freedom. And this is what the noble Marquis calls a cure for corruption——

The Marquis of CLANRICARDE: No, I did not say a cure; I said a punishment.

THE DUKE OF WELLINGTON:

Well, be it so: at least you mean a punishment for corruption. But there is another curious circumstance. In the evidence which has been laid before your Lordships we have had some proof against those who have been really guilty of corrupting those voters by bribery, but against them there is not to be found one line or one syllable in the Bill; on the contrary, the men who are to be disfranchised are those who hold, under specific Acts of Parliament, a right of voting, which has been confirmed by various other Acts. They are to be disfranchised, although there is nothing against them; whilst that class of persons are to be allowed again to become free of this very corporation, under another Act of Parliament, who have been guilty of this corruption, and against whom evidence of acts of bribery has been given at the Bar of this House: they are not to be noticed. After al this, are you to be told by noble Lords that you will forfeit public confidence if you reject this Bill, and that it is not your desire to put down corruption?

The Marquis of CLANRICARDE: Hear, hear.

THE DUKE OF WELLINGTON:

I am perfectly ready, and I believe I have shown myself to be so, to put down corruption. I believe I was the person who proposed in a Committee of this House a measure to bring to justice all those who should have been guilty of this description of corruption; but that Bill was thrown out in another place. I am ready at any time to vote for any measure which tends to punish this description of corruption, after proof of the fact shall have been given at the bar of your Lordships' House. I am ready now to vote for any measure which may have for its object the punishment of those who shall have been proved guilty of this kind of corruption, and whom punishment can be made to reach. But I confess I feel a great disinclination to vote at this period of the Session in favour of a Bill which has for its object such measures,

and containing such principles, as those which I have enumerated to your Lordships. It appears to me absolutely impossible that we can, with propriety, adopt such a sweeping measure as this for disfranchising all these burgesses and freemen by any enactment which at the same time gives those same burgesses facilities for becoming free again of the same town, and the opportunity of again offering themselves for corrupt purposes. Under these circumstances I shall certainly vote against the Bill.

Bill rejected by 38 to 22.

CHARITABLE TRUSTEES BILL.

The LORD CHANCELLOR moved the second reading of this Bill.

THE DUKE OF WELLINGTON said:

I acknowledge that we are bound to find some means for the proper administration of charitable funds; but I wish to point out to the House that the noble and learned Lord has adverted only to some of the past proceedings in reference to this subject, but he has totally omitted from his consideration and observation to-night, the most important part of the proceedings. Your Lordships will remember that, in the course of last year, when this subject was under consideration, a noble and learned Lord—whose absence from this House I sincerely regret, more particularly because, if he had been in his place, I believe we should have been spared the pain of the present discussion; but, that noble and learned Lord—moved the clause in the Municipal Corporation Bill, now in existence as an Act of Parliament, under which the persons who then administered the charitable trusts referred to were to continue in power until the 1st of August in this year. The object of that provision was to give the noble and learned Lord time to consider of a measure to be proposed to this House for the future regulation of those trusts. That was the professed object of the noble Lord; and I must confess that I acquiesced in that proposal, because I felt that there was no man in this country who had given so much of his attention to the subject, and was therefore so capable, as that noble and learned Lord,—or at all events more capable than he—of producing to this House a measure which should be a proper and efficient measure for the administration of those trusts hereafter. We have

not had the advantage of the presence of that noble and learned Lord this year; and for that reason this House did, in the course of the present Session, upon the question of certain amendments upon the Corporation Reform Bill being discussed, insert a clause to continue the present trustees for another year, up to the end of the next Session of Parliament—in order to give time to that noble and learned Lord to come into his place in this House, and to propose a Bill for the future administration of these trusts; or, if the noble and learned Lord should, unfortunately, not be able to attend in his place in this House, that some other noble Lord might come forward and place such a proposition before your Lordships as would be worthy of your adoption. Now, that is a part of the question to which the noble and learned Lord, in moving the second reading of the Bill, has omitted to advert, but which he ought to have borne in mind; because, in point of fact, the House now stands, by means of the clause lately sent down to the other House, precisely in the same position in which it did last Session, because provision has been made for the temporary administration of charitable trusts—that is to say, up to the 1st of August next year. No step has been taken which can prevent any measure which the noble and learned Lord, whose absence we all lament, may hereafter think proper to propose to this or the other House for the administration of these trusts:—the question is left fairly open.

So far with respect to the situation in which the House stands. I now come to the consideration of the immediate measure which the noble and learned Lord has this evening recommended to the House. This measure is one for sending back to the administration of these corporations, as they are newly formed, the trusts and charities consisting of property left by beneficent individuals to their fellow-citizens, in trust, to be managed by a particular set of persons (who have, indeed, been accused of mismanagement, but of which mismanagement there is not much proof; nor do I expect they will be much better administered hereafter). The mode of electing trustees is similar to that adopted in the case of assessors under the Municipal Corporation Reform Act; but there is a wide difference in the nature of the offices. The question is not only as to the administration of funds:—it is not only as to a regular mode of keeping and auditing the accounts, but as to the administration of the patronage of those charities; and I am not disposed

to give the administration of the patronage of these charities and funds to either party in these corporations. I regret that the corporations, constituted for municipal purposes, have been formed on party principles at all; and I object still more strongly that those parties, being invested with corporate powers, should have at their disposal the patronage which the administration of the charitable funds will place in their hands. I believe that the object of the noble and learned Lord to whom I have so frequently alluded was to obviate those very occurrences to which I have just adverted; and that he wished to prevent the disposal of the patronage of these charities by adverse parties in the corporations, and also those disputes in corporations which the disposal of this patronage must produce. Under these circumstances, I wish to recommend your Lordships to adhere to that which you have done already; to leave the management of those charities in the hands of the parties you originally provided should hold it, up to the end of the next Session of Parliament. If you adopt this course, that noble and learned Lord, whom I hope to see hereafter again in his place, will be free to propose a plan to your Lordships' consideration without any embarrassment from the adoption of this or any other measure. Under these circumstances, I shall move, as an amendment, 'That this Bill be read a second time this day six months.'

Bill rejected by 39 to 22.

ROMAN CATHOLIC MARRIAGES (IRELAND) BILL.

The Marquis of CLANRICARDE moved the second reading of this Bill.

The Archbishop of ARMAGH moved that the Bill be read a second time that day three months.

Lord PLUNKETT supported the Bill.

THE DUKE OF WELLINGTON said:

My Lords, I think we have reason to complain that, instead of bringing forward a measure of general applicability, the noble Marquis has limited his exertions to an isolated point. I think that, in place of a measure of this description, the noble Marquis should have introduced a general Marriage Act for Ireland—an Act providing means for securing the publicity of marriages, and

based on the same principles as the English Bill now before your Lordships' House. No one would object to such a measure—no one on this side of the House, at least, would offer it any opposition. I entreat the noble Lord to bring it forward next Session, and I now promise that it shall have my hearty support. I object to the present Bill because it is partial in its operation, and because it is calculated to put a marriage, celebrated by a Roman Catholic priest, on a different footing from that celebrated by a minister of any other denomination. I think that the noble and learned Lord gave no answer to the assertion of the reverend Prelate, that a dissenting clergyman cannot marry two persons of different denominations. The noble Marquis brought forward one or two cases to show the hardship of the law; but he totally overlooked one consideration—namely, that these parties might have been married without going to a priest at all, and in so doing might have been spared the penalty of the law. Under 33 Geo. III., Roman Catholic priests and dissenting ministers are prohibited from uniting persons of the Established Church: I therefore hold that the clergymen of both creeds are exactly in the same position, so far as the mere celebration of marriage is concerned. I repeat, that if the noble Lord bring forward a general measure, it shall have my support; but in the mean time I feel myself constrained to vote for the amendment of the right reverend Prelate.

Bill rejected by 39 to 19.

August 5, 1836.

ESTABLISHED CHURCH BILL.

On the question that this Bill do pass,

The Duke of CUMBERLAND and the Bishop of HEREFORD opposed the measure, which was supported by the Archbishop of CANTERBURY.

THE DUKE OF WELLINGTON said:

Although I have addressed your Lordships upon this subject on other occasions, yet, as I have been referred to on the present occasion by the most reverend Prelate, I must again trouble your Lordships for a few moments by stating my approbation of, and the grounds upon which I have before supported, this measure. There can be no doubt that there have existed, nay, that there

still exist, in the Church Establishment of this country, several anomalies—and the Church can hardly stand the discussion of some of those anomalies—the most particular of which are the existence of *commendams*, and the enjoyment, by some of the clergy, of a plurality of benefices, many of which benefices are absolutely necessary for the support of some of the Bishops, who now are to be paid out of the revenues of those sees which are considered to possess too large an amount of income, and more than is necessary for the due support of their dignity, even in the high situation in which they are placed. Under these circumstances, I cannot but feel that this has been a most judicious arrangement; and I consider it most fortunate that it has been possible for the Commissioners to make such arrangements as will enable them, out of the episcopal revenues of the Church itself, to find the means of giving adequate incomes to all the Bishops, to the governors of the Church, out of the existing revenues appertaining to that particular class of the Church. I say, and I repeat it, this Bill contains a most judicious arrangement, and I am highly gratified that it has been possible so to carry it into effect. I have heard a noble Marquis, not now in his place, complain of the application of certain revenues of the see of Durham for this purpose; but I believe that it has never happened otherwise with the income of that see, when any measure of this sort has been originated. I do not believe that there has ever any number of years elapsed, for a long time past, during which certain members of that Bench have not been, to some extent, provided for out of the diocese of Durham. Those revenues, at least those of the deanery and other revenues of the diocese of Durham, are hereafter to be applied to other purposes; and out of the revenues of the see itself the means have been provided for the support of certain other Bishops. That I consider to be a highly expedient plan, and it is most fortunate that the Commissioners have been able to carry it into effect.

I do not wish to dwell on the other parts of the arrangement, or on other subjects connected with this Commission, which may become matters for legislative measures hereafter to be proposed to the consideration of this House; but I must entreat you—I entreat my noble friends and the right reverend Prelates—not to look at this question too much in detail, but to look at it as a whole, and to act on it upon principle. Your Lordships must see clearly before you the necessity of making an alteration in that venerable

establishment, the Church, for the purpose of preserving the whole; and I would say, do not criticise this measure too narrowly, unless you intend to go with the Commissioners, and see what you would have done yourselves, if you had been in their situation. I give my full confidence to those who are at the head of that Commission, and to whom His Majesty's Government are disposed to listen on the subject. I will look carefully into their Reports, and at the measures which they may bring forward, with a view to carry into effect the great principles which have been proposed, and I trust your Lordships will do the same.

Bill passed.

August 11, 1836.

MUNICIPAL CORPORATIONS ACT AMENDMENT BILL.

Lord LYNDHURST moved that their Lordships do adhere to their amendments on this Bill.

Viscount MELBOURNE opposed the motion.

After some observations from the Earl of RIPON and Lord HOLLAND,

THE DUKE OF WELLINGTON said:

After what has been stated by my noble friend, I am surprised that the noble Baron should have expected that a debate would take place on this subject between the Managers of the two Houses. The fact is, there was no room for a debate; and I am particularly surprised that the noble Viscount and the noble Baron should both have found fault with the Managers for not debating the question, after the reasons your Lordships have heard so eloquently stated by my noble and learned friend, although they disapprove of every one of those reasons. But your Lordships will remember that the reasons which the Managers had to deliver were the reasons of this House, and not their own; and yet the two noble Lords come down here, and disapprove of the conduct of my noble friend in not entering into a debate of the question. But this is not the only remarkable circumstance in the conduct of the two noble Lords. It appears that they not only disapprove of the conduct of the Managers of the free Conference, but of the conduct of the House itself on those two very questions which are now under your Lordships' consideration. Why, it so happens that I have been in attendance on the Committee up-stairs, to whom this

very Bill was referred, and had the happiness to be associated both with the noble Viscount and the noble Baron in that Committee. I will not impeach the accuracy of the noble Viscount's own statement of his belief, but I will remind him that these two very questions passed unanimously in the Committee up-stairs, and through this House, as well as the Committee, with the same unanimity. I was myself the person who moved the very clause respecting the casting vote, and not one word was said against that motion by any single member of that Committee. The noble and learned Lord on the Woolsack himself corrected some verbal mistake in that very clause. The Report of that Committee passed the Committee unanimously: it was brought down to this House, and both the Report and the third reading of the Bill were agreed to without an expression of dissent. I do not mean to say that I entertained no feeling of objection to some of the proceedings in that Committee. I certainly felt some objections, and there are many of my noble friends in this House who felt the strongest objections to parts of the measure; but at the same time, I, considering that I had come to a compromise in agreeing to that Committee, felt myself bound to go on with that compromise, and to persevere to the last; and I call on your Lordships—I call on the noble Viscount—I call on the noble Baron—now to support the Bill to which they agreed on that occasion, after a consideration of three months—a measure, too, which they thought the best that could be adopted for the public interests at that time. After the statement which has been made by my noble friend to the House—a statement of which I defy the noble Viscount to contradict one word—I am surprised to hear the noble Viscount and the noble Baron disapprove of the conduct of my noble and learned friend, and of the conduct of the House, in persevering in its amendments.

The noble Viscount has been pleased to assert that since that time your Lordships have treated the House of Commons with insult and contumely, because you would not agree to a Bill which was sent up by the other House for regulating the management of charitable funds in corporate towns. Now I was myself the person who moved that the second reading of that Bill should be postponed to that day three months, and I made the motion upon these plain grounds; I recommended your Lordships to take that course because one particular part of the Bill would subject the

administration of those charities to this danger—namely, that it tended to place them at the disposition and under the government of a party in the corporation, and the very appearance of election seemed to indicate that that plan was proposed with the intention of keeping those funds in the hands of that one party. Indeed, as the Mayor was to preside over those who were to conduct these affairs, the management of them must have fallen into party hands. On that principle I objected to the arrangement proposed, but I offered no insult, I cast no contumely on the House of Commons for the course which they had thought it proper to pursue. I stated my own opinion freely, as I had a right to do on that and every other measure; but it was far from my intention to say one word that could by any possibility be considered disrespectful to the other House of Parliament, and I am quite sure that I never could have said one syllable that could come within the meaning of the terms 'contumely and insult,' which the noble Viscount has been pleased to use.

Viscount MELBOURNE: Certainly no such terms were used by the noble Duke.

THE DUKE OF WELLINGTON:

The noble Viscount has blamed noble Lords on this side of the House, and has protested against the inconveniences that will result, in the administration of charities, from your Lordships insisting on your amendments. All that your Lordships propose by those amendments is to continue, in the hands of those persons who now administer the charitable trusts in corporations, the same powers till the 1st of August next year. The noble Viscount says that if your Lordships persist in that amendment the Bill will certainly be lost; but if the Bill be lost, that is not the fault of your Lordships. On the contrary, I ask your Lordships whether you do not take the only course that can be adopted, by continuing the trusts in the hands in which they are at present placed till next year? If you withdraw that clause, the charities will be exposed to the ill effects of maladministration by a dominant party; and if, on the other hand, the House of Commons insist on their own amendments, and consequently on rejecting the Bill, the responsibility for the consequences ought not to attach to the Lords, but on the House of Commons should that responsibility rest. If, indeed, your Lordships had withdrawn your important

amendment relative to these charitable trusts, and it should turn out that the charities themselves suffered in consequence, your Lordships would have been justly responsible for all the consequences that might so ensue, and for the opposition you have given to the Charitable Trustees Bill, in order (as it would then doubtless be imputed to you) to secure the reception, with the Commons, of this very clause on that subject. Such a course, then, I for one could not recommend your Lordships to pursue.

With respect to another part of the subject—namely, the appointment by lot—the circumstances relating thereto have been so fully explained by my noble friend, the noble Earl near me, that it is unnecessary for me to touch upon it. It is clear that the course of proceeding proposed—namely, the casting vote—is that commonly pursued in legislating throughout all measures connected with these corporations, and that in no other mode can the matter be arranged, except by a departure from their constitution, and by establishing a new principle for the election of the aldermen; but it is absolutely impossible to adopt that mode. I for one cannot recommend it to your Lordships. I shall vote, with great satisfaction, for the motion proposed by my noble and learned friend.

Motion carried by 40 to 29.

August 12, 1836.

POST-OFFICE COMMISSIONERS BILL.

Viscount DUNCANNON moved the second reading of this Bill.

The Duke of RICHMOND moved that it be read a second time that day six months.

The Marquis of WESTMEATH and Viscount MELBOURNE supported the Bill.

THE DUKE OF WELLINGTON said:

There can, my Lords, be no doubt whatever that the Post-Office is one of the most important departments of the Government, and that His Majesty's Ministers are highly interested in the good management of that department. So far, therefore, as the House has anything to do with a subject, I certainly, under ordinary circumstances, should be of opinion that this House ought to follow the advice which is given by His Majesty's Government. But when His Majesty's advisers come down to this House and recommend a change of this important character, I do say that

they ought to take care to lay before the House sufficient information to enable your Lordships to form a right judgment upon the question. Now let us inquire how the case stands on this subject. The noble Viscount has read to your Lordships various extracts from Reports of Commissions, and evidence given by noble Lords, and has quoted a great variety of opinions on this subject; but of those Commissions and Reports not one single line has been laid before your Lordships. This Bill was brought up from the Commons on the 8th of August, and now, on the 12th, we are asked, in a discussion on the second reading, to decide upon the measure at once, and to make ourselves parties to the responsibility of this change. I know enough of the working of the Post-Office to be able to say that it has worked well. It is quite certain that up to this period the Post-Office has been administered in a way highly beneficial to His Majesty's service; and I will say that, administered as it is, it is far better administered than any post-office in Europe, or any other part of the world; and before I make any change in the administration of that office, I should like to see the grounds on which that change is sought to be made. I do not care whether the Postmaster-General is to have a seat in this House, or whether the head of the Post-Office shall be a Member of the House of Commons, though that is not, in my opinion, an unimportant part of the question; but I want to know the grounds on which it is recommended to make a Board of Commissioners and two or three secretaries for England, Ireland, and Scotland? Certain portions of the evidence have been referred to which is said to have been given by a noble friend of mine in another place. I can easily understand that he conceived that great improvements might be introduced into this office, notwithstanding it is, as I say, and I assert it boldly, in a better state than any post-office in Europe at the present moment. However, I can easily conceive that it might be desirable to introduce some further improvements; but I do not see why those improvements, as my noble friend on the cross-bench said, should not be introduced under the existing system. At the same time, if the Session should last long enough, I should have no objection to enter into a consideration of this Bill; but in the situation in which I now stand with respect to information, I should wish the Bill to be postponed to some future period, until we have before us the Reports of the Commissioners in question.

August 12, 1836.

CHURCH TEMPORALITIES (IRELAND) BILL.

On the motion that the House go into Committee on this Bill,

THE DUKE OF WELLINGTON said:

Before we go into Committee, I wish to state in a few words that I approve in general of the objects of the Bill, but I entertain objections to some of its clauses, particularly to that clause which reduces the interest on mortgages of perpetuities from 5 per cent. to 3½ per cent. I have no doubt that His Majesty's Government, and those who have brought this Bill forward in another place, entertained a supposition that by adopting this plan they would obtain a more speedy payment of the money owing on the perpetuities; but I believe they will find themselves mistaken, and that, instead of causing an early repayment of the money, on the contrary, the realization of that payment will be delayed; I think, if your Lordships do go into Committee on the Bill, I shall be able to prove this to your satisfaction, and also that it is the opinion of the Church Commissioners in Ireland, who can have no interest in delaying the execution and final completion of this measure: on the contrary, they must feel the greatest interest in realizing this repayment as soon as possible. I think your Lordships will admit that that clause at least ought to be expunged from the Bill. There is another clause which directs the Church Commissioners to vest the sums which come into their hands from the perpetuities or other sources in Exchequer bills, under the direction of the Lords of the Treasury. I believe it was originally intended that this Commission should be independent in its character and operations, and yet you, not very reasonably I think, propose that the Commissioners should be placed under the direction of the Lords of the Treasury, with respect to that part of their duty which relates to the realization of the fund and the disposal of the sums intrusted to them. There is also another clause to which I have a strong objection—that which interferes with the ecclesiastical estates; but when your Lordships are in Committee I will state my objections more at large.

The House then went into Committee on the Bill.

On Clause 13 being proposed,

The Duke of WELLINGTON moved its omission.

The Marquis of LANSDOWNE supported the clause.

THE DUKE OF WELLINGTON said:

Still I think the clause ought to be omitted. I have in my possession a letter from the Commissioners, in which they state that the present system is working so well that their receipts during the last five months have exceeded their expectations by nearly 5000*l*. This clause does not force the persons who would mortgage the perpetuities to pay their instalments at certain periods, although it says that they shall pay by instalments in the course of fifteen years. The probability is that no instalments will be paid till towards the end of the fifteen years. In the mean time persons will have the advantages of the arrangement. Under these circumstances, I wish the clause to be struck out, and to leave the Church Temporalities Act as it stands, since it has so far worked satisfactorily.

The clause was struck out.

On Clause 17,

THE DUKE OF WELLINGTON said:

This clause provides that the Ecclesiastical Commissioners shall invest the moneys arising in the Perpetuity Fund account in Exchequer bills; and with the consent of the Lords Commissioners of the Treasury, shall have power to sell and dispose of the same. Now this enactment is quite inconsistent with the original establishment of the Church Commission under the Church Temporalities Act. I think, in accordance with that Act, that the Commissioners ought to be left a discretionary power of investing any funds in whatever securities they may deem most expedient; and I think that they ought not to be, as regards the disposal of those funds, under the control of the Lords of the Treasury. I shall therefore move that the following words be omitted:—'With the consent of the Lords Commissioners of the Treasury.'

The Marquis of LANSDOWNE supported the clause.

THE DUKE OF WELLINGTON said:

I really do not see why the Lords of the Treasury should have a power conferred upon them, under this Act, to control the powers placed in the Commissioners of the Church Temporalities Act. The Commissioners have stated officially, in the letter to which I have already referred, that they have not the means of carrying on the services intrusted to their direction, and imposed upon them by Act of Parliament; and does the noble Marquis suppose that they

have 100,000*l.* in hand? I should be very happy if there was the smallest prospect of their having one-tenth of that sum in hand. It was the intention of Parliament, when the Commission was formed, I am sure (and I heard a noble Earl, not now present, so state it in this House), that these Commissioners should be empowered to act independently; and therefore I never can consent to this proposition for placing the funds in their hands under any other management or control.

After some remarks from Lord HATHERTON, the Earl of RIPON, and the Archbishop of ARMAGH,

THE DUKE OF WELLINGTON said:

I do not think you can charge the Commissioners with extravagance. The noble Lord says they have spent 150,000*l.*, which they got from the Perpetuity Fund, besides the usual income from other sources. Why, it is very true that they have expended that money, but the charges upon them have been very heavy; and the question is, whether or not they have been guilty of any extravagance? The amount of these charges was foreseen at the time of the discussion of the Bill; and the noble Baron opposite, who discussed this question very fully, stated that the revenue would not prove to be equal to the expenditure; and so it has been found. Now the question is just this, whether, supposing demands for building and repairing of churches and glebe-houses, and so forth, are made, it is to be said that there is a fund lying in hand, and you are not to make use of it, but to let it accumulate till it can get an interest of 40,000*l.* or 50,000*l.* a-year? That is not the intention of the Bill; but if such was originally the intention of it, let it be carried into execution by the Commissioners, who it was originally intended should act independently. I do not see the necessity of starving this fund by the introduction of such a power as that proposed. I am sure that such was never the intention of your Lordships.

The clause was struck out.

On Clause 27,

THE DUKE OF WELLINGTON said:

This clause proposes that the property of minor canons and vicars-choral shall be vested in the Ecclesiastical Commissioners, subject to existing interests, and for the maintenance of such

members of such corporations as have duties to perform. Now I see no reason why the control of these funds should be taken out of the hands of the Bishops. The duty is well done at present, as far as I can learn, and more efficiently than it would be under the direction of the Church Commissioners. I shall therefore propose the omission of this clause. It is better not to impose on the Church Commissioners any further duty or expense, more particularly as I am not quite sure that they would be able to apply these funds so well as they are now managed in some of the dioceses, and the effect may be the suspension, and perhaps the extinction, of the choirs.

After some remarks from the Marquis of LANSDOWNE and the Archbishop of ARMAGH,

THE DUKE OF WELLINGTON said:

I must disclaim any intention of keeping up sinecures. I should be as ready as the noble Marquis opposite to concur in abolishing them, but I wish to prevent the abolition of choirs. If any one will undertake to bring in a measure having for its object the abolition of all sinecures at the end of the lives of the present holders, it shall have my warmest support; and I do not think the noble Lord can expect me to go further than that.

The clause was agreed to.

August 16, 1836.

GREEK LOAN BILL.

Viscount MELBOURNE moved that their Lordships do go into Committee on this Bill.

THE DUKE OF WELLINGTON said:

It is not my intention, my Lords, to give any opposition to the measure which the noble Viscount has introduced to your notice, and I shall follow the example of the noble Viscount by avoiding to make the committal of this Bill a pretext for entering into a general discussion of the foreign policy of this country, or of the political affairs of Greece. A great deal could certainly be said on the subject, but I do not think that it would lead to any useful end to introduce such a discussion at present, nor do I think it

desirable that your Lordships should be drawn into a discussion of so wide a nature under existing circumstances. At the same time, the transaction to which this Bill has reference is of a description that renders it necessary, I think, that I should direct the attention of your Lordships to some of the circumstances attending it, and to some of the consequences which are likely to follow from it, and which I consider will be of a nature to occasion some, if not an extreme, degree of inconvenience to this country.

The noble Viscount has accurately stated the circumstances which led to this transaction. It certainly was in contemplation, in 1830, to make a loan for the purpose of establishing a Government in Greece, and I believe on the same plan as was adopted with respect to the loan which was settled in 1832. The free State of Greece was established under the auspices and influence of the three great Powers—Russia, France, and England. It was agreed that a loan should be made by the three Powers, each guaranteeing a similar amount—each guaranteeing the payment of the principal and interest of one-third of 60,000,000 francs. At the same time there are paragraphs in the protocols of that day stating that each Power ought to be at liberty to guide and determine its own conduct with respect to this loan; but certainly the principle that pervaded the whole transaction amongst the three Powers with respect to Greece was, that that proceeding should be carried on by common accord of all of them. Now I will contend that, if there is to be any interference whatever in the internal affairs of any State, it is fit and proper that that interference should be effected by many States rather than by one State. The independence of the State whose concerns are thus interfered with would be better preserved by the intervention of two, or three, or four States, rather than by one individual State. Such interference is likely to be less injurious to the power and position of the State interfered with than if the matter were taken up by a single State. Now, laying that down as a principle, I contend for this, that the policy of such arrangements, and the policy of this particular engagement, is, that it should be carried into execution, although on the responsibility of each of the three Powers for its own share of the loan, yet so as that the proceeding ought to be carried on with one common accord. The first instalment was settled by common accord, the second instalment was made by common accord, and the same principle ought to have been acted upon with refer-

ence to the third. The noble Viscount just now, in stating what has occurred, endeavored to show to your Lordships that he could not obtain the consent of Russia with respect to the last advance to be made to Greece under this arrangement. Now it certainly appears to me that proper measures were not taken to induce Russia to make the advance necessary for Greece on the occasion in question. The first demand made by Greece was for 3,000,000 of francs. Why, I would ask, was not a strong effort made to obtain the consent of Russia to advance her share of the 3,000,000 of francs? Why was Russia left out of that part of the negotiation? Why was any encouragement given to Russia to keep any part of the sum due from her in her hands? If Russia had been called on for her portion, it would have been found to amount very nearly to the sum which this country is about to advance under existing circumstances; and the consequence would have been this—that the three Powers would now be placed on precisely the same footing, the one with the other, which is the situation in which they ought to stand. They would be thus placed, not only with reference to Greece, but in relation to each other, as well as to the other Powers of Europe. But how will it be hereafter? Great Britain will be a creditor of Greece to the amount of 20,000,000 of francs, with a claim on the resources of Greece which must and will be pressed for the interest and sinking-fund of that amount of debt. Russia, on the other side, will have in hand the third part of 20,000,000 of francs, to issue to Greece whenever and under whatever circumstances she may think proper to advance them. France is placed in a similar situation. I do not mean to speak with any jealous feeling of France or Russia, but I think it is a very mistaken policy to give so great an advantage to both Russia and France as that which they will derive from leaving in their hands the means and power of making these advances at their will and pleasure, Great Britain possessing no longer the means of assisting or obliging Greece; but, on the contrary, being a creditor and claimant on the State to a large amount. I say that that is not the condition in which these relations ought to be left. The Emperor of Russia, I am aware, has stated that he intends to use his portion of the third instalment of the loan for the purpose of paying the interest and the sinking-fund due on the sums already advanced on account of the former instalments. But, my Lords, we have no right to complain of this: we have set him

the example of walking alone by making this movement without his consent, and also without that of France; and I shall be very much mistaken, if, when it suits the views of these Powers, they do not take advantage of their possession of the means of making these loans, by acting for themselves as we have done on the present occasion. Upon the whole, I fully agree that the amount of 3,000,000 of francs, which is expected by Greece, should be paid to that Government; but I confess, my Lords, I cannot see that it was anticipated that nearly double that amount should be advanced, and that solely by this country. By such an arrangement this country has departed very far from the principles laid down, and the arrangement adopted in 1827; and I am apprehensive that, inasmuch as Great Britain has separated herself from her allies, and acted for herself on this occasion, they will not be slow, when an eligible opportunity offers, to follow this example set them, and act as we have done on this occasion.

Bill committeed.

August 18, 1836.

BUSINESS OF THE SESSION.

Lord LYNDHURST having reviewed the proceedings of the session in a long speech, which was commented on by Lord HOLLAND and Viscount MELBOURNE,

THE DUKE OF WELLINGTON said:

The noble Viscount opposite has lately been in the habit of employing very harsh language and sarcasms towards your Lordships, and yet he affects the greatest surprise that my noble and learned friend, having a motion to make upon a subject respecting which he required information, should have taken the opportunity of making some observations in reply to those sarcasms, and should have endeavored to defend his own conduct and that of other noble Lords with whom he acts. The noble Viscount and the noble Baron opposite appear to have totally forgotten the harsh terms which they have used towards my noble and learned friend. What has he done, and what is the object of my noble and learned friend's motion? The object of the motion is to show the state of legislation, as it now stands, between the two Houses of Parliament; and in the course of his speech my noble friend very properly defended himself and his own conduct with respect to various

measures which have been brought under the consideration of this House during the present Session. My noble friend also referred to the announcement contained in the King's Speech at the commencement of the Session, and contrasted it with the results, as exemplified in the several measures that have since been brought forward in this and the other House of Parliament. My noble and learned friend has with great ability shown the measures which have been brought forward in pursuance of the announcement in the King's Speech: he has shown what measures have never been brought forward, although promised; what subjects have never been adverted to at all by the Government; and, finally, he has shown what has been the fate of those measures which have been introduced by Government, not only in this House, but also in the other House of Parliament, where we are carefully given to understand that the influence of the Government is paramount. That was the purpose and object of my noble and learned friend; and for that he has been assailed in the manner he has just now been by the noble Viscount, and previously by the noble Baron. I must say, in support of the statement of my noble and learned friend, that the conduct of those noble Lords who have acted on this side of the House throughout the present Session of Parliament has been marked with the utmost moderation and forbearance. For my own part, I believe that I was not more than twice in the House till after the Easter holidays. After the day when the Address to His Majesty was voted I was never in the House, nor said a word in opposition to the Government, till I endeavored to prevail upon the noble Viscount to postpone the consideration of the Corporations Act Amendment Bill until after Easter. Until then I never spoke a word this Session in this House. Since that period, it is true, I have taken part in the discussions on various measures brought under the consideration of the House, and I have certainly given my vote in opposition to measures which have been brought forward by His Majesty's Government; but I must at the same time say that I have always assigned my reasons for my vote upon those occasions in moderate terms; and though those reasons may not have appeared very good to noble Lords opposite, I have acted according to the best of my opinion, and in a way which I thought most beneficial to the public interests.

The noble Viscount has been pleased to taunt us with not having come forward with Addresses to the King, calling upon His Majesty

to remove the noble Viscount and his present colleagues from office. Why, if we look at the manner in which the present Government was appointed—if we look at the history of the transaction, at this time of little more than twelve months' standing—I believe we shall find sufficient reason for not taking that step. The noble Viscount knows well on what ground he stands in His Majesty's service; and he might as well have avoided twitting us with not having come forward with Addresses beseeching His Majesty to remove him and his colleagues from office. What I would recommend to the noble Viscount—for I really do not wish to see him removed from office—what I would recommend to the noble Viscount is, that he should consider himself, not as a Minister of a democratic body in another place, but as the Minister of a King in a limited monarchy, of great extent, having a great population, with various interests; and that he should concoct the measures which he thinks proper to bring forward for the consideration of Parliament—and, above all, those which he announces in the Speech to be delivered from the Throne by the Crown—in such a manner as might suit the interests of all, in such a manner as might meet with the good will of all, and not of one particular party in one particular place. If the noble Viscount will follow that course for some time, he will experience no difficulty in this House, but, on the contrary, will find that this House will afford him every facility in forwarding his measures. I wish the noble Viscount to recollect an important circumstance in reference to the measures which he recommends with regard to one particular subject. I mean the Church of England, whether established in England or Ireland. Let the noble Viscount recollect that the avowed policy of this country—a policy followed for three hundred years—has been to maintain inviolate, if possible, the Church of England; let him recollect that we are called here to consult particularly for the good of the Church; and when he brings forward measures relating to that subject, particularly those which he and the noble Baron have been pleased to discuss just now, let the noble Viscount, I say, recollect that those measures are to be considered in this assembly with a view to the maintenance of the Church according to the old policy of the country. The maintenance of the Church of England is not only the old policy of this country—it is not only her policy of three hundred years' standing—but it is the policy upon which this and the other House of Parliament acted no longer than eight

or nine years ago, when they revised the safeguards by which the Church up to that time had been defended. If the noble Viscount will bear these great landmarks in view—if he will pay attention to the points which I have suggested, in the measures which he frames and brings forward—he will find that this House will support him probably with more zeal even than that House on which he so much relies.

There is one topic which I have purposely avoided throughout this Session—one which I have purposely stayed away from this House to avoid the discussion of—I mean the foreign policy of the Government; and I will not be induced, by anything that has passed in this debate, to enter much at large into that subject even now. The noble Baron opposite has stated that when I was in office I followed out the course of policy which my predecessor had pursued. I beg to state that I found a treaty existing. I know that it has not always been the practice for a British Minister to execute the articles of a treaty which has descended to him, but I considered it to be my duty to carry the treaty which I found existing into execution. I went further: I took the first opportunity, with the consent of the party with whom we were in alliance —I took the first step towards at least humanising the war in Spain, if not of ultimately bringing the parties to something like a reconciliation. I lament exceedingly, not only for the sake of humanity, but on account of the interest which I really and sincerely feel for a country in which I served so long, that the noble Viscount's Government should have departed from the principle of the arrangement which was entered into under my direction. I lament that the noble Viscount's Government has encouraged—I do not mean to say that they have been parties to it—any active interference in the hostilities now being carried on in Spain. I have stated so much before in this House. I will not say anything further now. I will not advert to other measures which the noble Viscount's Government has adopted, because it is my sincere wish not to involve the House in a discussion on this subject, which can answer no purpose, and, answering no purpose, can produce nothing but mischief. I rose to support my noble and learned friend in the course which he found it necessary to take in his own justification, and with a view to the very motion he has brought forward; and having done so, I will now sit down, thanking your Lordships for the patience with which you have heard me.

[THIRD SESSION OF THE TWELFTH IMPERIAL PARLIAMENT.—SEVENTH WILLIAM IV.]

January 31, 1837.

ADDRESS TO THE THRONE.

The Earl of FINGALL moved, and Lord SUFFIELD seconded, the Address to the Throne.

THE DUKE OF WELLINGTON said:

It is not my intention, in rising, to offer any opposition to the Address which has been proposed by the noble Earl. I have seldom heard a Speech from the Throne, or listened to an Address in answer to a Speech from the Throne, which I could consider to be less liable to provoke discussion or excite objection. Indeed it is probable that I should have submitted but very few words to your Lordships on this occasion, if some expressions in relation to the tranquillity of Ireland had not fallen from the noble Earl who moved the Address in a very able speech (a speech that induces me to hope that he will frequently address your Lordships); but more particularly in consequence of something which fell from the noble Lord who seconded the Address, in a speech also of considerable power and ability. Both those noble Lords have thought it necessary to speak at considerable length on the subject of the boasted tranquillity of Ireland, but more particularly the noble Lord who last addressed your Lordships, and who was pleased to attribute the establishment of a certain body, denominated the National Association of Ireland, to injustice done to Ireland by one of the branches of the legislature. My Lords, happening to be one of those persons who approved of the line of conduct of which the noble Lord complains, and one of the majority of this House on the occasion, I feel it necessary to defend myself and those who acted with me against the charge which has been advanced by the noble Lord. It is a most surprising circumstance, and I believe unparalleled in the history of this country, that an attempt should be made to justify the establishment, in any part of His Majesty's dominions, of an association, the legality of whose mere existence is exceedingly doubtful, and to compare the proceedings of that body with the proceedings of one of the Houses of Parliament sitting in its legislative capacity. This reasoning is most extraordinary; it is an assumption against the justice

of which I am compelled to protest. The noble Lords have boasted of the tranquillity of Ireland, totally omitting to notice the various outrages which have been committed; the insecurity of property and life; the total extinction of one description of property, the impossibility that any minister of the Church of England, in Ireland, or any person holding tithe property, should recover what is due to him, excepting at the risk of his life; the miseries and distress of the clergy, and those whose existence depends upon property in tithes; and the opinions of former Lords-Lieutenants and Governments of the relation between agitation in such associations and disturbances in the country. It is true that the noble Lords are in some degree justified by a statement in the King's Speech, at the close of the last Session of Parliament, in relation to the tranquillity of Ireland. This National Association had been established in Ireland before that Speech was made. The founder thereof had declared its object to be to agitate the country by the discussion of questions such as the Repeal of the Union and others, with a view to assume the Government into his own hands and those of his adherents, the leaders of the discussions in this Association. I was astonished when I heard this paragraph of the Speech. Those who advised it must have forgotten all that had passed; their own opinions; the opinions of former Lords-Lieutenants acting under their orders; and they cannot have considered whether the Association which had been newly established was legal or otherwise. I do not call upon the Government to put down this 'National' Association; but what I do ask is, that they would call things by their true names. While there exists an association in the country, which forms committees, which employs agents in the country, which raises money, and which appoints individuals to carry into execution its various decrees, I would ask that such an institution should be considered and called, as it is, the cause and creator of disturbance and conspiracy; and that at the very moment of its establishment we should not be told that Ireland is in a state of tranquillity. I have felt it necessary to say thus much for the purpose of defending myself and others, who usually act with me, from the imputation that has been cast upon us.

With respect to other parts of the Speech, I can only say that, when his Majesty's Government shall bring forward the measures which his Majesty has been pleased to announce for the considera-

tion of Parliament, I for one shall give my best attention to the various subjects to which they may relate, with a most anxious desire to adopt them, if they shall be such as I think advantageous for the country. I have now, my Lords, a few words to offer upon that part of the Speech relative to Spain. It is well known to your Lordships that I was one of those who objected to the treaty called 'the Quadruple Treaty.' It is perfectly true that I was afterwards instrumental in carrying it into effect, because it was my duty, in the situation in which I was placed at the time, to carry into effect those treaties which his Majesty had entered into, whether I had originally approved of them or not. I cannot therefore now disapprove of the due execution of the Quadruple Treaty by others; nor will I refuse my assent to the proposition contained in the Speech, or in the Address, that the measures which his Majesty has adopted in execution of the Treaty are satisfactory as far as we have any knowledge of them. If any measures should have been adopted, not already provided for in the Treaty, it will be our duty to consider them calmly and dispassionately. Much discussion has taken place in other countries with respect to the course pursued by other Members of this Alliance in the execution of this Treaty. I must say, that so far as I am enabled to form a judgment of the Treaty (and I know nothing more than what appears on the face of the Treaty itself), it seems to me that it has been fairly executed by all the parties who subscribed it. When I had the honor of serving his Majesty in the year 1834, I was called upon to state whether the Treaty in question would be carried into execution. I then stated what I understood was the meaning and scope of the Treaty, viz. that there should be no armed intervention in the internal affairs of Spain which should tend to affect the independence of that country. That was my sense of the Treaty at the time, it is my sense of the Treaty at the present moment, it was so understood by the other parties to the Treaty; it was the understanding of all parties that there should be no military intervention in the internal affairs of Spain. This was the understanding of the Treaty. In the month of November, 1834, this explanation was communicated, and was satisfactory to the Spanish Government.

I consider that the attempt by his Majesty's Government, aided even by the strongest power in Europe, to force upon Spain any form of Government, must fail. Those who should make the

143178

attempt must take upon themselves not only the expenses of their own army in a most expensive contest, but those of the civil and military Government of Spain; and they must hold their position in Spain, and defray their expenses, till the new Government should be settled and submitted to, and tranquillity established in the country. I should like to see how the Commons' House of Parliament, or the Chamber of Deputies, would treat a proposition that should call on them to agree to a vote of money for any such operation, for the purpose of forcibly imposing a liberal Government on Spain or on any other country. I contend, my Lords, that this scheme is absolutely impracticable. His Majesty's Ministers may rely on it that they have undertaken that which they never can perform; and that the sooner they place themselves on the footing on which they ought strictly to stand with reference to the Treaty of the Quadruple Alliance, the sooner will the pacification of Spain, which we must all of us anxiously wish for, be accomplished. I feel, for one, the strongest objection to anything like interference with the internal affairs of the Peninsula. I object to it not only on account of the vast expense it must inevitably entail on this country, but still more so on account of the injury which it inflicts on the parties existing in that state. Of my own certain knowledge I can state that the individuals composing three parties in Spain have actually been ruined, their properties confiscated, their fortunes sacrificed, by the course which his Majesty's Government have pursued. Acting under the assurances of his Majesty's Government, individuals have adopted a certain line of conduct. They followed his Majesty's Government, acting as a party in the state. His Majesty's Government, thus acting, is obliged to move forward with the democratic movement. The unfortunate persons I have alluded to have, in consequence, been abandoned, their fortunes sacrificed, and their prospects blighted for ever. Events like these, my Lords, which affect the character as well as the influence of the country, incline me to be more adverse to such a species of interference than I should be on the mere score of expense. I repeat that I do not mean to oppose the Address; but, in taking this course, I beg to be clearly understood as not holding myself bound to approve of the employment of any force beyond that which was stipulated for by the Quadruple Treaty, which Treaty Parliament has recognised.

April 7, 1837.

POOR LAW AMENDMENT ACT.

The Bishop of EXETER presented several petitions against this measure.
After a few observations from Viscount MELBOURNE,

THE DUKE OF WELLINGTON said:

My Lords, I supported the Bill when it was in this House; and having given that support to the Bill, from being a witness to the evils, and being apprehensive of the consequences likely to have attended the former system, I conceive it to be my duty to come forward on this occasion, and to state that this Bill has surpassed any expectation which I had formed of the benefits likely to result from it. The Bill, my Lords, may require amendments in certain parts, and it appears that his Majesty's Government have taken measures to ascertain what points in the Bill so require amendment. I, for one, am ready to pay the greatest attention to the points which may be brought under the consideration of this House. But I must say that I approve of the measure so far as it has gone hitherto, and I have witnessed its operation. I do not talk of what I have seen generally; I talk of the details of the management of the Bill, from having witnessed that management in different workhouses in different parts of the country in which I have resided; and I must say that it has been practically beneficial, and particularly in cases such as these. First of all, it has put the workman and the employer upon a true and friendly footing of confidence. Then it has connected the man of property, the man of the highest rank in his county, with the lowest class, with the laboring class, by admitting such to the board of guardians. I can mention some noble Lords, who are ornaments to this House, and who constantly attend at the weekly meeting of the guardians, being elected guardians by the parishes in the neighborhood in which they reside. No measure could be attended with better results. My noble friend near me (Lord Salisbury) is a member of the board of guardians in the county in which he resides, and in which county he is an instrument of the greatest possible benefit. I say, my Lords, that this Act of Parliament has produced those benefits; and being convinced that it will effect still greater benefits, sincerely thinking so, I should be ashamed if I did not step forward and avow at once my sentiments

respecting it. I avow at once that I supported the Bill at the time that his Majesty's Ministers proposed it, and that I do not repent of what I did on that occasion in so supporting it, but, on the contrary, rejoice in the part I then took, and congratulate his Majesty's Ministers on its success.

April 11, 1837.

OXFORD AND CAMBRIDGE STATUTES BILL.

The Earl of RADNOR moved the second reading of this Bill.

The Bishop of LLANDAFF moved that the Bill be read a second time that day six months.

Lord HOLLAND and Viscount MELBOURNE supported the Bill; the Archbishop of CANTERBURY the amendment.

THE DUKE OF WELLINGTON said:

It is strange that the noble Viscount, who admits the talents of the fellows and tutors of the universities, and who eulogises the zeal with which they have of late years endeavored to remedy the various abuses which have crept into their collegiate institutions, should yet express his disapprobation of every part of the system of education which is followed under their auspices. That was the epitome of the noble Viscount's speech, that was the sum and substance of his various observations. Before I proceed to the discussion of this Bill, I would beg leave to remind your Lordships of the history of former Sessions of Parliament on this same subject of the universities of this kingdom, and more particularly of the universities of Oxford and Cambridge. In the Session of 1834 a Bill was brought into the other House of Parliament to remove certain disabilities which prevented some classes of his Majesty's subjects from resorting to the universities of England, and from proceeding to take certain degrees therein; and in the Session of 1835 a Bill was brought into this House prohibiting the subscription to the Thirty-nine Articles in certain cases. The latter Bill was brought into this House by the noble Earl who now brings in this Bill; whilst the former Bill, which I have mentioned as originating in the other House of Parliament, was moved in your Lordships' House by the noble Earl opposite. Your Lordships thought proper to reject both these Bills, and I have recalled these circumstances to your recollection in order that you may see

the *animus* with which the present Bill has been brought under your consideration, a Bill which I must say is neither more nor less than a Bill of pains and penalties against the two universities, a Bill on which the first proceeding of the noble Earl opposite ought to have been to call evidence at the bar of your Lordships' House, in order to prove the statements of its preamble. The preamble of the noble Earl's Bill states—

'That the statutes prescribed by the original founders of most of the colleges and halls in the two universities have been altered, and latterly many even of their most recent statutes have also been long and habitually disregarded in the ordinary administration of the affairs of divers of the said colleges and halls: and it is highly expedient that an inquiry should be made, by commissioners to be specially appointed, into the amount, nature, and application of all such estates and funds, and into the said statutes, and the ordinary administration of the affairs of each and every one of the said colleges and halls, and also how far the said estates and funds may be made more conducive to the objects intended by the founders and benefactors, and for which they were endowed.'

Here are statements on which the noble Earl, instead of dealing in vague assertions, and as vague conjectures, should have been prepared to stand, on which he should have been prepared to inform your Lordships what the facts really were which he intended to prove, what the proofs were which he intended to offer, and who the witnesses were by whose evidence he intended to substantiate them. But if your Lordships will look at the nature of the inquiry, you will see what a vast power is proposed to be given to these commissioners. They are to inquire into the present condition of the colleges and halls. It is therefore against all the colleges and all the halls in the two universities that the noble Earl proposes that his commission should act. The Crown is to appoint the commissioners, who are

'Empowered by summons, under their hands and seals, to require the attendance of all such persons as they may think fit to call before them, upon any question or matter relating either to the statutes, or to the administration of the affairs of the said colleges and halls, and also to make inquiries, and to require any answer or return in writing as to any such question or matter, and also to administer oaths, and examine all such persons upon oath.'

By a subsequent clause it is provided that—

'If any person shall refuse or wilfully neglect to attend, in obedience to any summons of the said commissioners, or to give evidence, or shall wilfully alter, suppress, destroy, conceal, or refuse to produce any statutes, charters, books, accounts, and writings, or copies of the same, which may be required to be

produced before the said Commissioners, every person so offending shall be liable to the payment of such fine to his Majesty as the Court of King's Bench, or the Court of Exchequer, on application made by or on the behalf of the said Commissioners, shall think fit to set and impose, which fine the said Court of King's Bench, or Court of Exchequer, is hereby authorised and empowered to set and impose according to their discretion respectively, and to enforce payment of the same, by attachment or otherwise, in such manner as the said courts respectively may do in cases of contempt of the said courts.'

So that these commissioners, or any two of them, according to a subsequent clause, are empowered to ask such questions as they please on the subject-matter of this inquiry; and the Court of King's Bench, or the Court of Exchequer, are empowered to impose a fine, according to their discretion, on all persons who shall omit to answer such questions, no matter whether those questions are legal or illegal, are necessary or unnecessary, or whether they are able or otherwise to answer them. And this is a Bill brought in by a noble Earl, whose object on two former occasions, as I have already shown, was to put an end to the two universities, or at least to put an end to the oaths and tests by which a system of education founded on the religion of the Church of England was established therein. Now, when I see and reflect upon the conduct of this noble Earl in the three last Sessions of Parliament, and when I recollect that I heard the noble Viscount, in the Session of 1835, declare that his object was to establish in the universities a system of disputation on religious matters, I cannot have the slightest doubt as to what the real object of the present measure is; and under such circumstances I recommend your Lordships to concur in the motion of the right reverend Prelate, that this Bill be read this day six months.

In the course of the discussion on the subject, various assertions have been made in respect, first, to the breach of the statutes, and secondly to the breach of their oaths, by the persons at the heads of the several colleges. The noble Earl commenced his speech by mentioning the inconsistency of the statements contained in the petitions of the several colleges. Some of them stated that there was a power in themselves and in their visitors to alter their statutes, whilst others stated that there was no such power, and went even further and said that they would be unwilling to carry into effect any alteration of the statutes imposed upon them. There is no inconsistency in this; each of the statements is strictly true on the part of the particular colleges which made it. But what I

insist on is this,—that the working of all these colleges, and of the system on which they are regulated, is for the benefit of the public, and that in each and every college the object is to carry into execution the will of the founder, just as it would probably have been if he had lived to this period. In every case the great object of the governing authorities is to benefit the public by the education of the youth who resort to these institutions. The noble Viscount could not help admitting that these institutions have worked well, and that latterly a great improvement has taken place in the system of education pursued under their auspices. The noble Viscount has also spoken of the great improvement in the system of education pursued in the new University of Durham, and in other new universities elsewhere. But nevertheless, the noble Viscount could not help admitting that the old Universities of Oxford and Cambridge possess the merit of having established in England an excellent system of education, which is, in point of fact, the envy and admiration of the world. The noble Viscount has been pleased to compare the inquiry proposed to be established by this Bill with the inquiry instituted into the universities of Scotland by the Government of which I had the honor of forming a part. It is true that a commission of inquiry into the state of the Scotch universities was issued by that Government; but the noble Viscount has forgotten that his Majesty, as Sovereign, is the visitor of all universities in Scotland. His Majesty is not so in the universities of England. I understand that, if an inquiry were necessary in England, there is now existing, without the aid of this Bill to carry on such inquiry, a power of annihilating the charter of those colleges which should be found guilty—if indeed any of them are guilty—of those crimes with which this Bill charges them all indiscriminately. I believe that, though there are colleges founded by private individuals, and acting under powers given to them by private charters, yet, if it could be proved that the governors of those colleges did not comply with the conditions of those charters, or violated their oaths, or dissipated the funds of their societies, or did not apply them to the purposes for which they were granted, the law is strong enough to deal with them, and it is not necessary to create a commission like this—to establish in those seminaries such a system of conducting their affairs as the noble Earl opposite requires. The noble Viscount has been pleased to complain of those statutes which require that

every person resorting to the university should belong to one of its colleges or halls. I must say that I consider that this rule forms one of the greatest merits of our universities, and that the marked distinction between our universities and those of foreign countries—that distinction which renders our system of education superior to that of the foreigner—is, that our youths must reside within the walls of their respective colleges, and are not suffered to reside at large in the town. The noble Viscount is pleased to discover that it would be advantageous to have this regulation altered.

Viscount MELBOURNE.—I did not say that.
The Earl of RADNOR.—I did.

THE DUKE OF WELLINGTON:

The noble Lord who moved the Bill admits that he is of that opinion. Now I sincerely trust that this rule will not be departed from; that, on the contrary, if possible, the accommodation buildings of the universities may be so extended as to give reception and lodging to all those who resort to these seminaries of education; so that not only shall every student be obliged to have his name inscribed in the books of his college, but that he shall be obliged to reside within its walls. The noble Earl stated that the colleges have no relation to the universities, and therefore that the universities have nothing to say to this Bill; that, in consequence of the forced residence of the students in their colleges, their colleges become to them universities. But I think that I can show that there is a very close relation between the universities and the colleges, and that the University of Oxford is right when it declares that it has an interest in all that relates to the affairs of the colleges within its limits, and has an intimate relation with every member of those colleges. It is impossible that the regulations which the noble Lord had in view when he brought in Bills on this subject during the last three Sessions, could be carried into effect without materially affecting those universities in their relations as universities to the statutes of the several colleges, and the whole system of education carried on under them. As the law at present stands no person can be at the head of a house who does not belong to the Church of England; the professors are also obliged to belong to the Church of England: was this the regulation which the noble Lord

had in view when he framed that clause in the present Bill which is to enable the commissioners to frame new rules, according to which these foundations may be carried on in future? It is possible that the object of this clause may be to overturn the system of the universities as they now stand. This has been twice attempted; and now, at the third trial, another mode of accomplishing it is put in practice. That this is the object cannot, as I apprehend, be denied. The commissioners are to propose new modes of proceeding, which are to ascertain the whole system which now exists in these universities and establish another system in its stead, which may be more congenial with the views of the noble Lord and of the commissioners. Upon the grounds which I have thus stated, I beg to give my decided opposition to this measure.

Amendment carried.

April 21, 1837.

AFFAIRS OF SPAIN—LORD JOHN HAY'S DESPATCHES.

Lord ALVANLEY, in moving for a copy of the despatch from Lord John Hay, relative to the affair at Hernani, denounced the policy of the English Ministry towards Spain, as detrimental to the interest and injurious to the honour of the country.

Viscount MELBOURNE defended the Government.

THE DUKE OF WELLINGTON said:

My Lords, I am exceedingly happy to hear from the noble Viscount (Melbourne) that the state of the country is of that satisfactory nature which he has just described. The noble Viscount has thought proper to object that the subject of the present discussion has never on any former occasion been brought regularly under your Lordships' consideration. I can only say that I have more than once taken opportunities of expressing my decided objection to the course of these operations. It is perfectly true that I have never considered it my duty, and have never thought proper, to bring the subject distinctly under your Lordships' notice by way of motion. My reasons for adopting this course were founded in the first instance upon my desire to avoid interference, by a vote of this House, with any affairs of the executive Government. I have very great objections—founded on the existing state of the constitution of this country, and considering the relations in which

this House stands at the present moment towards the other House of Parliament on the one hand, and towards his Majesty's Ministers on the other—to originate the discussion of this or any other question connected with the policy of the Government.

With this feeling, my Lords, and under these circumstances, I have done everything in my power to prevent discussions from being brought forward on subjects of this nature. On more than one occasion, when a noble friend of mine (the Marquis of Londonderry), whom I do not see now in his place, has endeavored to bring under your Lordships' consideration subjects of this description, I have done everything in my power to avoid their discussion.

It is true that, when the Order in Council in question was produced by his Majesty's Ministers, I gave notice of my intention to submit a motion on that subject. My reason for giving that notice was, that, a noble friend of mine having asked the noble Viscount opposite a question as to the operation of that Order in Council with respect to pensions for wounds and retirement allowances to officers and soldiers, and not considering the answer of the noble Viscount satisfactory, I did wish to discuss the question more at length, in order that I might elicit the noble Viscount's opinion on that and some other matters. It appeared to me that the noble Viscount, by that Order in Council, had suspended only one half of one clause of the Foreign Enlistment Act; and that the other member of the clause, that which inflicted penalties on persons who should enlist others into the service of a foreign power, was not suspended. I did not, however, bring forward my motion, because some of my noble and learned friends did not agree with me upon the subject, and I thought it best not to proceed with it.

This, my Lords, is the real account of the transaction. I have never, from that day to this, brought forward the subject, though I have frequently given my opinions upon it; and I abstained from so bringing it forward for the reason I have before assigned, namely, my desire to avoid a vote on any question relating to the measures of the executive Government which was not called for by some passage in a speech from the Throne, or by some proposition brought forward by his Majesty's Ministers, so as in some manner to render it necessary that I should state my opinion. But upon all such occasions I have not failed to state my opinion, and have stated it upon this subject more than once.

The noble Viscount, in replying to the speech of my noble

friend, appears to think that the Government acted precisely according to the policy and terms of the Quadruple Treaty; and he talks of that which the Government have done, as if theirs had been a system of policy adapted to the salvation of Portugal and the preservation of the peace of Europe.

This question divides itself, my Lords, into two distinct branches, —the Portuguese question, and that which is perfectly separate and distinct, the Spanish question. My Lords, I must confess that I did not approve of the original Quadruple Treaty. I considered it inconsistent with the ancient principle, and the policy and practice adopted in this country with regard to Portugal, to avoid to interfere in the disputes between the two Princes of the House of Braganza, which had been the policy of this country for many years. It sanctioned the introduction of Spanish troops into Portugal, which measure was inconsistent with our defensive relations with Portugal, and had been objected to and prevented in this very contest between the rival Princes of the House of Braganza. Yet it gave no fresh assistance to bring the contests in Portugal to a conclusion, excepting the promise to give the aid of this country by the employment of a naval force in co-operation with the Spanish and Portuguese troops, which aid was not necessary. Another objection which I entertained to the Quadruple Treaty was, that it mixed up France and this country in the offers and promises made to Don Carlos and Don Miguel in the 5th and 6th articles of the Treaty. These Powers became, in fact, guarantees for the performance of these engagements, as well as for the performance of the engagements made under the same articles of the Treaty to the subjects of Portugal and Spain. It is impossible to describe the inconvenience of such articles. They require the interference of the Government in hundreds of little questions. I have felt the inconvenience of those articles since their adoption, I stated my objections to them at the time, and I have seen no reason since to alter the opinion I then formed. Don Carlos and Don Miguel evacuated Portugal, and Donna Maria became Queen of Portugal, and Don Pedro took possession of the government of that kingdom; the objects of the Quadruple Treaty were thus attained. Don Carlos having been brought to England, and having proceeded from thence to the north of Spain, the additional articles to the Quadruple Treaty were agreed to on the 18th of August, 1834. These articles are, in some respects, essentially

different from the articles of the Quadruple Treaty itself. The Quadruple Treaty did not require the King of the French to do more than be a party to it, or to aid in the attainment of its object, until he should be called upon by the other three contracting Powers. The King of England was required, under Article 3 of the Treaty, to co-operate with the troops of Spain in Portugal by the employment of a naval force. But by the first of the additional articles to the Treaty the King of the French obliged himself to take such measure in those parts of his dominions which adjoined to Spain as might be calculated to prevent succours of men, arms, and warlike stores being sent from France into Spain; and the King of Great Britain engaged, under the second of the additional articles, to furnish such arms and warlike stores as her Majesty the Queen of Spain might require, and further, to assist her Majesty by a naval force if necessary. The Duke of Braganza was to give the best assistance to serve her Majesty that he might be called upon to render. So that those additional articles were essentially different from the terms and provisions of the original Treaty, by which the removal of the two Princes from Portugal was effected. I do not mean to say that in the preamble to that Treaty allusion is not made to the affairs both of Spain and Portugal; but there still is a remarkable difference between the words used in the Treaty and in the additional articles, and most particularly in relation to the part to be taken by this country.

Those additional articles were signed in the month of August, 1834, and in the month of November, 1834, I was called upon to carry the Treaty into execution. It was not then considered to be a treaty of the description given by the noble Viscount; it was not considered as a treaty for the preservation of the peace of Europe, or as a plan for great operations to be performed by arms. My Lords, I have a right to say this, because I myself had an explanation on the subject, first with the Government of the King of the French, in which it was clearly stated that the parties were bound not to interfere in the internal concerns of Spain, or in the contest then going on in that country; it was so stated distinctly at that period, and the statement, having been communicated to all the parties in the Treaty, and in the additional articles, was satisfactory to all. The noble Viscount appears to be of a different opinion. I refer to the despatch to prove the truth of my state-

ment. That, I assert, was the distinct understanding of all the parties to the Treaty. The noble Lord has thought proper, in answer to my noble friend (Lord Alvanley), to take quite a different view of the case. I speak not only from a perfect recollection, but a perfect knowledge of the facts and words; and I now challenge the noble Lord to produce the Despatches of that time. I believe that the original object of the naval force which it was agreed should be supplied under the second article of the additional articles of the Treaty was, to establish a blockade on the north coast of Spain, from the Bidassoa to Cape Finisterre; but it was discovered that that blockade could not take place: that blockade was an act of war which this country could not execute, as it was not at war. It was unfortunate that the noble Lord should not have ascertained this important fact a little sooner. But as soon as it was ascertained, the Spanish Government was informed that this country, not being at war, could not blockade the Spanish coast. The noble Lord appears to doubt this fact; but I again refer him to the despatch. The result of these discussions was, that her Catholic Majesty thought proper to pass a decree, by which all the towns and ports on the north coast of Spain, although in the actual possession of her Catholic Majesty, were declared to be under maritime blockade; thus, in fact, exercising a right of war against her own subjects, living in towns and ports in her own possession, under her protection, and in her allegiance.

There are some noble and learned Lords in the House who will feel surprised how such a decree should have been passed, and should have been carried into execution, and among them the noble and learned Lord on the Woolsack, who was not then in his Majesty's Council. It was very soon discovered, however, I think early in 1835, that Spain could not declare the blockade of her own coast in her own undisturbed possession. But very shortly after, the irregularity of this blockade having been discovered, her Catholic Majesty thought proper to give directions that certain Spanish vessels from England, bearing the certificate of the Spanish consul in English ports, should be admitted into the ports of the Spanish coast blockaded by this decree. The blockade was thus put an end to, as no party could submit to it as long as it could be relaxed for any description of ships. From the commencement of November down to the month of April our squadron remained

on the north coast of Spain, engaged in no manner in the operations of the war, excepting, I believe, on one or two occasions that they conveyed the Queen's troops from one part of the coast to the other. I understand that the noble Lord at the head of the Foreign Department has said in another place that my right honorable friend who was at the head of the Government had carried into execution these articles fairly and honorably. It certainly was my object to carry these articles fairly and honorably into execution. I must say, however, that I never saw any mode, or any opportunity whatever, of carrying into execution that particular part of the second of the additional articles, or the third article of the Treaty. But for what reason? Because, my Lords, the enemy of the Queen of Spain has not even a cockboat, not a single port, not a fishing-village, much less a coast, or ports upon that coast, which any naval power could attack, or against which any naval service could be performed.

From some observations which fell from certain friends of the noble Lords opposite a few evenings ago, I gather that I am considered to have been very much in error; but it is admitted at the same time that I executed the Treaty fairly and honorably. I must say that, up to this time, I conceived that the Treaty to which his Majesty had been pleased to affix his signature had been by me fairly and honorably executed. The Government of that day saw no mode by which naval assistance could be rendered to our ally. The articles of the Treaty requiring the supply of arms and ammunition were carried into execution. But although we found that we could take no steps towards attaining the objects of the additional articles by military force, we felt that the real strength of this country, in a case such as that which we had before us, consisted in that influence which it possesses, founded on its justice, its fairness, its disinterestedness, and the wisdom of its councils. And we considered it our duty to exercise that influence with a view to put a stop to the practice, which at that time prevailed on both sides of this unhappy contest, of putting their prisoners of war to death. We accordingly prevailed on the Spanish Government to consent to our endeavor to establish a convention or cartel to attain that object; and Lord Eliot was sent on a mission to the head-quarters of Don Carlos. Lord Eliot conducted himself with so much ability that he succeeded in establishing a cartel for the exchange of prisoners, and had the satis-

faction, on the day of his arrival at the head-quarters of Don Carlos, of saving the lives of twenty-five men who had been made prisoners, and who were about to be put to death. I contend, as I have before contended in this House, that his Majesty's present Ministers ought not to have departed from the position which the Government of which I speak had established while they were in power. I will not pretend to say what would have been the result of their having followed out that course; but this I do say, that the course pursued by his Lordship's Government has not benefited the military or the financial affairs of Spain, or promoted the peace of that country or the general tranquillity of Europe, or attained any of the political advantages which the noble Viscount boasts have been attained by his departure from that position which the previous Government had occupied and had left to their successors. But, my Lords, it did unfortunately happen that certain parties in this country had been connected with the Spanish finances; and it was important to those parties that red coats should make their appearance in Spain, and that the name of 'Great Britain' and of the British Legion should be mixed up in the operations of the war. Money was raised in this country to defray the expense of the equipment of the 'Legion,' as it was called, of 10,000 or 12,000 men, and also of their pay, their food, and maintenance, for a certain number of months; and the noble Lords, in order that this scheme might be carried into execution, gave their consent to the Order in Council for the suspension of the Foreign Enlistment Act. The corps quitted this country and went to Spain in the spring of the year 1835, nearly two years ago. Their first operation after their arrival at St. Sebastian was a march over the very same ground, to the very spot, which was the scene of the late disaster. My Lords, up to that moment the Eliot Convention, as it is most honorably and justly called, had been carried into execution. It was on that day departed from on both sides, and from that day to this I firmly believe, from all I have seen and read—and I have read much on the subject within the last few days—there has been no certainty in the execution of that convention. Not only has there been no certainty in the execution of that convention, but, notwithstanding the millions of money that Spain has expended, notwithstanding the blood which has been shed, and the number of lives which have been lost, I will venture to say that the military affairs of the

Queen of Spain are in a worse condition now than they were in the month of May, 1835. When the Legion embarked for Spain, it was sent to the northern parts of that country. Soon after the disaster at Hernani in 1835, as soon, I believe, as the original sum of money allowed for its equipment and its first expenses had been expended, the corps was sent to join the other troops at Vittoria, having been under the necessity of crossing the Ebro in order to reach that place from Bilbao. The Legion suffered the greatest possible privations of all description at Vittoria. These were not likely to improve their discipline or subordination. There, however, they remained during the winter of 1835-1836. But a crisis was approaching in the financial concerns of Spain. The interest of the debt was to be paid in money, and it became necessary that the Legion should be brought again to the coast, that Great Britain should appear to take an active part in the war, that, in fact, something else should be done in order to produce a particular sensation in a place called the Stock Exchange. This corps, towards the spring of the year, was brought by a very circuitous march to Santander, and thence by sea to St. Sebastian, where they were employed in the relief of a blockade of St. Sebastian, a town of which the blockade had been maintained for some time by a Carlist officer, by name Guibelalde. It was thought absolutely necessary to raise the blockade. In the mean time I should inform your Lordships that the British squadron, under the command of an officer for whom I entertain the highest respect (Lord John Hay), had been on the coast, and, as I said before, had done nothing, for, in fact, there was nothing to do. But it being found to be absolutely necessary to relieve the blockade of St. Sebastian, the corps was accordingly brought from the neighborhood of the Ebro and Vittoria in order to carry into execution this operation. Then, my Lords, the British squadron came into active operation with its sixty-eight pounders in the steamboats, which were fired with great success into the works constructed for the defence of the flanks of the Carlists' position. This was the great affair of the 6th of May, as it has been called all over Europe. But, my Lords, what was the result? The Carlist lines were removed a little further off, just beyond the reach of the fire of the sixty-eight pounders of the steamboats of the British fleet; and there the blockade of St. Sebastian has remained and been maintained from the 6th of May, 1836, up to the present moment.

The whole of the policy of the British Government, therefore, all the operations of the British Legion, backed by the British squadron, have effected nothing more nor less towards putting an end to the war, and giving peace to Spain and to Europe, than the removal of the blockade of St. Sebastian from one point to another, so as not to come within the liability of being affected by the sixty-eight pounders of the British steamers, under the command of Lord John Hay. I defy the noble Viscount, or any noble Lord supporting the same line of policy, to show that a single advantage of any description has been gained from that day to this. The noble Lord has therefore no reason to boast of the consequences of these operations, since the removal of the blockade to the distance of one mile is all that has been effected by the very great and serious risks which he has thought proper to incur. If the noble Lord supposes that the safety of St. Sebastian had been more or less endangered by the blockade, I can assure him that he is much mistaken; for, from what I know of that fortified town, which is one of the first or second order in Europe, I can take upon myself to say that the Carlists might have been left in their original position without any danger whatever to the town, because they could not make an attack upon such a fortress. In the whole course of the war they have not, to my knowledge, taken, by an attack, any fortified post, or even open town of any magnitude prepared for its defence. They could not have distressed St. Sebastian for provisions, because its communication with the sea could not be prevented. I say it could not be prevented, even if the whole British fleet were blockading it, instead of being stationed there to relieve it. The amount of inconvenience felt by the town from the Carlist force being in its neighbourhood was neither more nor less than the unpleasantness of ladies and gentlemen residing there being prevented taking their evening walks in the neighbourhood. This is the whole amount of the inconvenience from which the town was relieved; this was the whole amount of the service rendered. Under these circumstances, my Lords, I cannot think these operations of such importance as the noble Viscount seems to attach to them; I mean the operations of the squadron as connected with the Legion.

But, my Lords, I will go a little further. I will say that I firmly believe that the connexion between the Legion and the fleet has been injurious to the military operations of the Queen

of Spain's generals. That is my decided opinion, founded upon my knowledge of the nature of the country and of the position of both parties. My Lords, there is one point to which I wish most particularly to refer; that is, the want of a communication between the Queen of Spain's generals which can be relied upon. If corps of the size of those now employed are not actually joined, there must be a certain communication between them; for, without communication, there can be no co-operation, and any attempt at co-operation would, in my opinion, in all probability, lead to disasters such as have recently taken place at Hernani. How are these troops situated? General Evans' troops are at St. Sebastian; General Saarsfield is at the other side of the Borunda, at Pampeluna; and Espartero with his army is at Bilbao. It is impossible that there can be any communication between these three, except by the French frontier, and by sea from Socoa, or by the Ebro. An arrangement is made for an attack, and a day named. What was the consequence? General Evans made an attack, but General Saarsfield at Pampeluna does not attack; there is a frost, or snow, or rain, or some physical impediment which prevents a movement on the part of Saarsfield. General Evans cannot be informed in time, and the enemy has opportunity and leisure to throw his whole force upon General Evans, who, even if the troops had behaved well, would have been compelled to retire. The position therefore of the Legion at St. Sebastian, in order to co-operate with the British squadron, that there might be something like British co-operation, was not an operation of war; it was one of stock-jobbing. My Lords, it is a matter of much surprise to me that General Evans, who, having acquired the confidence of his Majesty's Government and that of the Queen of Spain, I presume must be an able man—it is certainly a surprising circumstance, that, having had experience of the difficulties of carrying on communication in that country, and having met with a check in the month of January, 1836, for want of communication, he should not have felt the danger of his position, and should have omitted to put himself in communication to a certainty with that corps in whose co-operation he was to act, instead of keeping himself at a distance from it, in order that he might carry on operations in concert with his Majesty's fleet. There is another occasion upon which his Majesty's fleet have acted, to which I wish to refer, namely, at the siege of Bilbao, one transaction connected with

which has for some time past made an impression on my mind; and I am now desirous of mentioning it merely for the purpose of obtaining an answer in explanation with regard to it. Don Carlos attacked Bilbao, the siege of which General Espartero endeavored to interrupt. The British fleet co-operated in these endeavors. It has been stated by respectable authority, a noble Lord, a Peer of the realm (Lord Ranelagh), who was at the time in the Carlist camp, that the following circumstances took place. 'The plain facts are these:—His Britannic Majesty's ship Ringdove lay at anchor during the greater part of the siege in the Bilbao river, between Fort Desierto and Portugalette, within half musket-shot of the Carlists, where, had she been considered as an enemy, she would have been seriously injured and perhaps destroyed. It was rumoured that she fired three or four shots ashore, and a great sensation was created in the Carlist camp at the idea of such a gratuitous outrage during a state of virtual neutrality and mutual forbearance, where no provocation had been given; but these shots were afterwards discovered to be nothing more than signals to steamers in the offing, and nothing of retaliation was attempted or thought of. His Britannic Majesty's brig Saracen lay further up the river, moored till the last under Fort Desierto. This fort and the Spanish gunboats were, almost daily, engaged with the Carlists; yet the Saracen, which lay in the midst of the latter, took no ostensible part in these contests, but (as it now appears) sent her crew to work the guns in the fort, while she herself continued to lie quietly at anchor, apparently neutral and harmless. Had either vessel acted openly on the offensive, the Carlists would have known with whom they had to deal, and I should have withdrawn to another part of the provinces.' I allude to this letter, in order that a contradiction may be given, if possible, to the facts stated in it. They represent a state of things which ought not to exist. Parties engaged in the operations of war cannot appear at the same time in two characters. They cannot avail themselves of the advantage of a neutral character to take a position from which an hostile attack can be made with advantage.

The noble Lord has stated that he will not recall the marines. I would beg to remind your Lordships, and the noble Viscount in particular, of this fact, that the marines are properly the garrisons of his Majesty's ships, and that upon no pretence ought they to be moved from a fair and safe communication with the ships to

which they belong. The noble Lord states that he is responsible, and that he will take upon himself the responsibility. I have commanded his Majesty's armies, and have incurred as many risks and faced more difficulties than I hope the noble Lord will ever have to encounter. I have been engaged in hostilities of this description, where co-operation was carried on upon the coast; and although I certainly would do as much for the service, and I believe I may say have done as much for the service, as the noble Lord, yet I would not venture, and have never ventured, to put any corps whatever in co-operation with Spaniards, or in any situation whatever in which the detached troops could not communicate with the corps from which they were detached; and, above all, upon the sea-coast, where the troops detached could not hold communication with the ships. The first order to each of these detachments was to keep the communication with their ships. The loss of 400 or 500 marines may not materially involve the honor of this country; but the lives of the men ought not to be endangered, as they must be, if care be not taken that they should have a communication with a point of safety, without some very extraordinary cause. We hear of the operations of the marines with the Austrians. But the Spanish troops, and particularly the British Legion, are not the Austrians. I cannot consider this corps of General Evans to be in a state of discipline and subordination such as a body of troops ought to be in with which his Majesty's marine forces ought to be connected. They have suffered very considerably, their losses have been great, and have affected their subordination, their good order, and discipline, particularly in presence of an enemy. A disaster or panic may occur among the best troops, but, among such, order can be re-established. It does not appear that these are in the state in which they ought to be to render it safe to co-operate with them. No efforts of their officers can, in such cases, have any effect upon them. The noble Viscount says that we are carrying on these operations with the object of maintaining the peace of Europe; and these objects are more especially put forth in a pamphlet which is attributed to a colleague of the noble Viscount, who has applauded its opinions, if he has not gone further, and adopted them as his own. Is the noble Lord desirous, in accordance with the policy so set forth, to press upon the nation the adoption of the system of a general combination of the Powers of the West,

upon principles offensive as well as defensive, against the Powers of the North and East of Europe? If so momentous an affair and such a course are seriously contemplated, they should not be commenced by stealth, but in a manner worthy of the character of a great nation like Great Britain. It is not by allowing Spain to raise a Legion here in the first instance, and afterwards by sending a few hundred marines, that any really important object can be accomplished. But if the noble Lords are in earnest, a message should be sent to Parliament, and the support of the country should be called for to this new scheme of policy, and a commanding force should be sent in order to carry it into execution. But I recommend to the noble Viscount well to consider the length of time which must elapse before these operations can be brought to a conclusion, the expense which must, in the first instance, be incurred, and the lengthened period which must elapse before the troops can be withdrawn, and the other expenses can be discontinued, which must be incurred if this scheme is to be undertaken. The noble Lord must establish a Government in Spain; he must have the assistance of a Spanish army; and he must pay, equip, and provide for, not only his Majesty's troops, but every Spanish officer and soldier employed in the settlement of the government of the country. It may be said that there are financial resources in Spain; but I am much mistaken regarding the state of the Spanish military establishments and Spanish finances, if there are not non-effective establishments, such as pensions, retired allowances, expenses of garrisons, and others, which will consume the whole of the pecuniary resources of Spain, however well managed, even without including the interest of the existing debt. I think that, if this country should have this matter fairly brought under its view, it would not be thought advisable to enter upon the scheme proposed in this pamphlet. But we are told that France ought to act this part, and that we ought to give France our moral support. France act? At whose expense? France would have the same difficulties—nay, greater difficulties—than this country. Is it intended that we are to subsidise France? No such thing; we are to assist with our ships and marines on the coast, but it is France that is to carry on the operations in the interior and pay this expense. Is it believed that Louis Philippe has lost his senses? If we cannot expect that France will defray all this expense, what is to become of the integrity of the Spanish

dominions and the independence of the Spanish Government after the operations shall be concluded?

I think that I have shown your Lordships how little has been gained for any party by the system of operation which has been followed upon the coast of Spain, and the inutility and danger of the continuance of that course, and the absence of any ground for hope that Parliament or the country will consent to adopt the larger scheme of policy suggested in a pamphlet recently published, as is supposed, by authority. I would therefore suggest to the noble Lord opposite the expediency of reverting to the station which the Government of this country had taken in Spanish affairs when they succeeded their predecessors in office. Your Lordships are aware of the great influence of this country in the affairs of Spain for many years, an influence founded solely upon a belief of our justice and disinterested views, and confidence in the wisdom of our councils. I do not pretend to say what can be effected by our mediation, but it will be, at least, as much as can be attained by our petty warfare. Let us resume, in reality, the neutral position that becomes us, which we occupied before the Order in Council was issued, and we shall have a chance at least of restoring tranquillity.

Motion agreed to.

April 25, 1837.

MUNICIPAL CORPORATIONS, IRELAND.

Viscount MELBOURNE moved the order of the day for the second reading of the Irish Municipal Corporations Bill.

THE DUKE OF WELLINGTON said:

I wish, my Lords, to avoid everything that can interfere with that good temper and calm deliberation which has been recommended by the noble Lord, whom I am ready to meet on his own principles. I am certainly one of those who so far concurred with the noble Lord in the measure of last year as to agree to the second reading of the Bill, which I did upon the principle that the existing corporations of Ireland ought not to be continued. But I believe it may be contended with great truth that those establishments were formed with a view to support and protect the Protestant religion and Protestant interests in Ireland. It is perfectly

true that the Legislature has within the last half-century made more than one attempt to improve those corporations, or to mix with them other persons besides Protestants, and that those attempts have been successfully resisted by those corporations. For myself, I can say it is not my wish, and I believe it is not the wish of any number of persons in this House, that the exclusive system of these corporations shall be maintained. But there is a great deal of difference between putting an end to those corporations, and the establishing another system directly the reverse, a system which, in fact, under the name of corporations, introduces another description of corporation, which is to be exclusive in another sense, and fitted to produce in every part of that unfortunate country an entire revolution in the whole of its local affairs. I believe the Ministers of the Crown totally failed last year, both in this and the other House of Parliament, to prove that this exclusive system ought to be adopted; and I am therefore surprised that they should come down a second year, and propose, not only the same measure, but, as the noble Lord has said, not the same measure which he proposed last year, and which he failed in obtaining, but a measure which he admits himself to be not so good as that which he then brought in. What I contend is, that if the noble Lord had intended to conciliate this House, and to draw from it its support to his measure, he ought to have brought forward a measure in the other House of Parliament more consistent with the views entertained by your Lordships' House, such a measure as would have had the effect of removing the inconveniences of the existing corporations in Ireland, and which would therefore have obtained the support of this House in favor of an efficient system of reform. I have various objections to this measure. In the first place I object that it is proposed to give votes to the lowest description of the inhabitants of the towns which are to have corporations. The noble Lord has adduced the example of the corporations of England. Why did he not introduce the same qualification for electors into this Bill as is laid down in the English Corporation Bill? Why has he reduced the qualification to so low a sum as 5*l.*? And again, the qualification, low as it is, is not to consist of a tenement of that value, but of every description of property the holder of the tenement may possess. Then there is no proof whatever required of possession, as there is under the Reform Act. I beg your Lordships to look at the scheme of

taxation attached to this measure. The English Bill gives power to the town-council to levy a borough-rate of the same description as the county-rate; but, according to this measure, the town-council is to levy a rate upon the principle of the 9th of George IV., which is, that the rate shall increase in proportion to the amount of property possessed by the rate-payer. By that Act the tenant of a house of the yearly value of 10*l.* is to pay a rate of 6*d.* in the pound; tenants of houses from 10*l.* to 20*l.*, 9*d.*; and those who occupy houses above 20*l.*, 1*s.* in the pound. This principle has been introduced into this Bill notwithstanding the strong objection which was taken by this House against it in the course of the debates on the Bill of last Session. But there is a more objectionable portion of the Bill still, namely, that which provides against any alteration; so that the town-councils will be left to take their own course, and will have little else to do than to lay on an expensive rate on the inhabitants when they choose. The noble Lord has been pleased to give the House an account of the improvements which have attended the establishment of municipal corporations in England, and he has recommended the example of those corporations to the attention of your Lordships. The noble Lord would lead the House to expect that the same advantages will be enjoyed in Ireland; but I beg leave to remind the noble Lord that those reforms which have been made in England are not required in Ireland. There is no want of a police in Ireland. That country is well provided with police everywhere, and, in point of fact, one of my greatest objections to this measure is, that it goes to provide for the establishment of a local police. It is proposed to establish a police which is to have a jurisdiction over all parts of the county in which the town or corporation may be situate, and all parts of any adjoining county within seven miles of that town. I repeat that it is one of my strongest objections to this measure that the corporate towns are to raise what are called constables, but which are neither more nor less than armed men, by means of whom they may be enabled to carry on a war against order, or, if they think proper, against the resident gentry and magistracy of the district. Under these circumstances, I believe that such a measure, giving to the town-councils these powers of levying rates upon the arbitrary system of the statute of the 9th of George IV., is improper. The system of the 9th of George IV. was adopted solely to save the corporations the expense of an application for a

private Act, and to enable them to adopt that system if they so thought proper; but to force that system upon these towns, as it would be by the operation of this Bill, is wholly objectionable. It is perfectly true that these towns may take this system of taxation —that they may either submit to it or apply by petition to Parliament for a private Bill; but I believe it is without precedent that Parliament has ever forced upon towns a system of taxation of this description by means of town-councils, without having their previous consent to the adoption of the system. Now I beg leave to observe that the 5*l.* voters, who in these Corporations may have to vote for town-councillors who are to have the power of laying on this system of taxation, may be persons who may not be so qualified as to be liable to any taxation under the provisions of the 9th of George IV. This is not the principle of the Act which has been applied to this country; it is unfair and inapplicable to Ireland, and I must say that, having thrown the whole matter into the hands of the lowest description of the population, and having no check upon them, the leaders and demagogues of these towns will impose taxes on the property of the neighbourhood, of which they themselves will not be called upon or liable to sustain any part. Certainly, my Lords, I should be justified by the opinions which I hold in giving my vote against the second reading of this Bill altogether, but, being sincerely desirous to be able to make such amendments in it as will render the measure fit to pass your Lordships' House, I will not oppose the second reading; and I earnestly recommend your Lordships to give the Bill a second reading, and to allow it to go into Committee, in order to see what alterations may be adopted to render the measure fitting and suitable for the purposes for which it is designed.

Bill read a second time.

April 28, 1837.

IRISH PROTESTANT PETITION.

The Marquis of DOWNSHIRE presented a petition purporting to be from the Protestants of Ireland, setting forth their alarm at the gradual encroachments of the Roman Catholics.

Viscount MELBOURNE produced a protest against the petition, signed by a large body of Protestant noblemen, gentlemen, and others, in Ireland.

The Earl of RODEN supported the petition, and dwelt upon the disturbed condition of Ireland.

The Marquis of CLANRICARDE, the Earl of GLENGALL, the Earl of DONOUGHMORE, and the Marquis of LANSDOWNE having spoken,

THE DUKE OF WELLINGTON said:

I always had the greatest disinclination to take a part in the discussion of such questions as the present, but under the circumstances of the case I feel myself called upon to offer a few observations to your Lordships. It has, my Lords, been always my wish, my sincerest wish, a wish which I have frequently stated to this House, to see the Protestants of Ireland on the best possible terms with the Government, and to see that Government affording to them every protection in its power. It is my firm and decided conviction that the safety of this country—that the continuance of the Union and the stability of the empire—are, in a great measure, if not entirely, dependent upon the good understanding existing between the Government of Ireland and the Protestant population of that country. I am also equally certain that safety for Protestant property and Protestant person in Ireland must mainly depend upon the good understanding which exists between them and the Government. Matters can never by possibility go right without such an understanding. This, my Lords, was my opinion, expressed seven years ago, and it is an opinion in which I am now even more and more confirmed. I am sorry to say that the proceedings of to-night are calculated to increase the irritation which exists in the Protestant mind in Ireland. My Lords, the noble Viscount admits that the Protestants of Ireland have great reason to feel hurt with their present position. He admits that they feel a certain sort of jealousy, and I must say that, having made this admission, the noble Viscount, instead of aggravating, should have done all in his power to conciliate, the Protestants. He should endeavor to induce them to feel that they might rest secure of protection to their life and property from the Government, and that there was no fear of their being sacrificed to those who every day preach up sedition against the established institutions and Government of the country, and incite insurrection against Protestant person and property. My Lords, the Protestants of Ireland are 2,000,000, and of the property of the country nine-tenths are in their possession. They are the best educated and best conducted portion of the population. The province which is peculiarly theirs is as well cultivated and is in as good condition as any part of England; and, as a class, they are well deserving of

every possible favor and protection from Government. Now, my Lords, let us see whether the Protestants of Ireland have not reason to be jealous. Let us look at the transactions which have taken place for the last two years. Let us consider the attempts which have been made to compass the total destruction of tithe property. Look, my Lords, at the condition to which the Church is reduced. Let me ask your Lordships whether, looking at these various occurrences, whether the Protestants of Ireland have not reason to apprehend some latent intention of putting down the Protestant Established Church, and of substituting something else in its stead? My Lords, I have heard noble Lords on the opposite side talk of 1792. It was alluded to by the noble Viscount opposite, and the noble Viscount also alluded to the history of 1798. But, my Lords, let us look a little further back, let us look back to the letter of the Earl of Clarendon, and let us ask ourselves whether the Protestants of Ireland are not right in apprehending that they see some indications of the same description as those which exhibited themselves at that period. Do they not see the same description of power exercised over the present as was exercised over the Government of that period? My Lords, all the statements made by my noble friend near me, by my noble friend behind me, and by the noble Marquis who opened this debate, ought to have the greatest possible influences on the Protestant mind of the country. Your Lordships perfectly well know that neither Protestant life nor Protestant property is secure in Ireland. In His Majesty's Speech from the Throne Ireland was represented to be in a state of tranquillity; but every gentleman from Ireland knew at the time that an association existed in that country expressly established for the purposes of agitation. Now, my Lords, the Marquis Wellesley has told us, and his authority, my Lords, has been quoted in this House, that disturbance was the result of agitation, as certainly as any other effect followed any other cause. Consistently with that statement, how could such an assertion as that in the King's Speech have been made? And yet, my Lords, it is in this very country, in which an association is established for the purposes of agitation, that the Lord-Lieutenant goes about from place to place, and, without any communication with the magistrates or with the judges of the land, releases in every county gaol which he visits a certain number of persons. My Lords, the Protestants of Ireland have a deep and peculiar

interest in the administration of the laws and in the tranquillity of the country. They are in possession of the greater proportion of the property of the country. My Lords, in viewing these proceedings it must at least be admitted that this mode of releasing prisoners is without a precedent, or, if there is a precedent, it is one of such rare occurrence as ought not to have been followed. My Lords, the power of the Lord-Lieutenant with respect to the exercise of the royal prerogative of mercy is one which should be used with great discretion, and certainly not in the manner in which lately it has been used in Ireland. Several of the persons thus released were convicted of felony; I am not acquainted, my Lords, with the technicalities of the law, but I believe I am warranted in stating that each of these persons thus released ought to have a written document granting him his pardon. Without such document the person so released is liable to certain fines and forfeitures, and those pardons cannot be perfect, at least they are not perfect by the old law, without such an instrument—and it is imperative on them to produce it to show that they have been released. Now, my Lords, the late releases made by the Lord-Lieutenant of Ireland appear to have been made without the written documents, and merely upon verbal orders given to the gaolers. My Lords, again I say the royal prerogative should not be exercised in that manner. Such an exercise of the prerogative of mercy is highly irregular, and well calculated to produce the most pernicious effects in the minds of the Protestants of Ireland. The noble Viscount and the noble Marquis opposite tell us that the Protestants ought not to expect any other result when the Roman Catholic Relief Bill was to be carried into full operation. My Lords, there is no person more inclined to carry that Bill into operation than I am, but I must confess that I never understood the measure as giving a warrant to the Government to deal with the person or the privileges of any man. The noble Marquis opposite, in replying to a noble Lord on this side of the House, argued on the Irish Municipal Bill. Now, my Lords, it might be very proper to introduce Roman Catholics into the municipal corporations of Ireland either under the Act of 1793 or the Act of 1828. I say it might have been proper to introduce them under either of those Acts, and I sincerely regret that some Roman Catholics – that a large proportion of them—were not introduced into the corporations under each of these Acts soon after they had

passed; but, my Lords, there is a difference between admitting Roman Catholics into existing corporations and framing a new system of municipal government, not for the purpose of admitting Roman Catholics conjointly with others, but to make over the municipalities exclusively and entirely to them. That, my Lords, is the real point at issue as respects this municipal question. The noble Marquis was pleased to read some statements from police reports, with a view to show the state of crime in Ireland between this and former periods; but I should like to know what was the nature of the crime so reported, for that would make a material difference. My Lords, I have a document which may throw some light on the question. It is the charge of Baron Foster to the grand jury of the county of Tipperary at the opening of the last assizes. My Lords, it would be well to bear in mind that Baron Foster made that charge in 1837, after the summer assizes of 1836:—

'Gentlemen, it is with deep regret that I lay before you the state of your calendar. It contains the names of 182 prisoners in custody for trial. This number does not include those who are out on bail. How many such there may be I have no sufficient means of estimating, but I should suppose at least fifty. But it is not, however, the mere number of offences which constitutes the chief matter of regret—the nature of these offences presents a still more melancholy subject for consideration, consisting as they do almost wholly of the *majora crimina*.

'Of the entire number of 182 prisoners there is but one who stands charged with larceny, the crime which usually furnishes the chief employment for the Crown Court at our assizes:

'I speak of larceny below the degree of cattle-stealing, of which there are, in fact, ten instances in the calendar. It must not, however, be from thence concluded that larceny is unusual in your county. I have obtained returns from the governor of the gaol, from whence it appears that since the last assizes 151 persons have been tried for the crime of larceny at your quarter sessions, which I should have supposed had in this county assumed exclusive cognizance of the offence, if it were not for the solitary exception of the one prisoner, who is now in gaol, who is to be tried for that crime. For this the magistrates at sessions and the assistant barrister are entitled to our best thanks. The disposal of criminal business at the assizes would else keep the Court assembled for a length of time which would be extremely inconvenient. But, in estimating the amount of offences within your county, we must not omit to advert to the extent of the committals; the mere number of the crimes which have been reserved for the assizes might else tend only to mislead. I have therefore called for returns, by which it is ascertained that the real number of prisoners who have been committed to the gaol of Clonmell under criminal charges since the last assizes is exactly 921; of these the number which now remain for trial is, as you have already heard, 182; 151 more

have already been tried for larceny: of the remainder, 317 others have been tried for assaults and riots. I feel it right to add that no person committed for mere drunkenness is included in the number of 921. It remains for me to inform you in what manner the 182 prisoners now in custody stand charged. There are for murder and aiding to murder, 63; conspiracy, 5; manslaughter, 6; shooting at persons, 3. There are also for robbery of arms, 6; assaults, 5; cattle-stealing, 10; rape, 7; administering unlawful oaths, 4. Gentlemen, if a stranger were to contemplate this amount of crime appearing on a calendar at the commencement of our assizes, he might well look forward with awful interest to what might be expected at its conclusion; but a stranger could not be aware of the extent to which these offences are, under the actual condition of society in this country, unprosecuted, and, therefore, necessarily unpunished. It is not for me to predict what may be the result of those assizes which are only now commencing, but I may be permitted to say, in the way of illustration, that at the assizes in the city of Kilkenny, which have just been concluded, and from whence I have last come, there were upon the calendar of that very limited jurisdiction the crimes of murder, house-burning, house-breaking, robbery, and rape; and that, nevertheless, there was no trial whatever for murder, no trial for house-burning, no trial for house-breaking, no trial for robbery, and no trial for rape.

'This difference between the amount and prosecution is, however, in no degree attributable to official negligence. On the contrary, no officers can be more efficient or more sincerely desirous to perform their duty than those to whom these prosecutions are intrusted; but it is owing to the indisposition to give evidence, originating in a well-understood system of terror, which renders the administration of justice more or less difficult in various parts of Ireland, and which in some counties goes the length of compelling the Crown to depend almost exclusively either on the evidence of the police or on that of approvers about to be expatriated to the colonies at the public expense, or on that of the relatives of the deceased in cases where their resentment gets the better of their prudence. In some parts of our country there is no room for this observation. In many of our counties the ends of justice are attainable with neither more nor less difficulty than in England; but this is not the case in others. I may be excused from the ungracious office of entering into a comparison as far as other counties are concerned; but I feel it my duty to assure you of the unwelcome truth that in no other is the difficulty felt to be so great as in your county. Gentlemen, I need not endeavor to impress upon you how much these considerations enhance the importance of the duties which devolve upon you. I well know, from experience, that there is no grand jury more anxious for the due discharge of its most solemn functions than that of the county of Tipperary.'

This document, my Lords, may serve as a set-off to that produced by the noble Marquis. My Lords, I have but one observation more. I will ask your Lordships whether it were discreet in the Irish Government to select for judicial officers—to select for the prosecution of offenders—to select for the administration of justice—men who belong to the General Association of Ireland?

Your Lordships will remember that those who belonged to the Association stood pledged to procure an overthrow of the laws which gave security to one species of property in Ireland—I mean the property in tithes. Government thought fit to put down the Orange Societies in Ireland; but before those societies were put down it was agreed on that no person belonging to that body should be placed in any office under Government. My Lords, if I recollect right, the men were put aside from the office of high sheriff, who were in every other respect exceedingly well qualified for the office for the administration of justice and the execution of the law, merely on the ground of their being Orangemen. This, my Lords, was done, and no complaint was made. Now, my Lords, I ask, is it proper that men who are pledged to a systematic hostility to the laws of their country should be encouraged, and particularly when that opposition has been offered to a species of property which your Lordships are bound by oaths, and by everything which you can hold most sacred, to protect to the utmost of your power? I will not, at present, trouble your Lordships further. I hope that these irregularities in the administration of justice will not be repeated. I wish that the result of this discussion may be such that the conduct of the Government in future may put us on the best terms with the Protestants of Ireland, and that the Government will extend to them the full protection of their power and support.

May 5, 1837.

MUNICIPAL CORPORATIONS, IRELAND.

Viscount MELBOURNE moved that the House go into Committee on this Bill.

THE DUKE OF WELLINGTON said:

My Lords, I can perfectly understand the motive which induces the noble Viscount on the present occasion to do no more than merely move that the House do now resolve itself into a Committee on this Bill. Ten days ago an opportunity for discussing this measure was given to your Lordships, and I, as well as other noble Lords, then delivered our sentiments with reference to it; and certainly I should be very happy, looking to the circumstances in which I find myself placed at the present moment, if I

could consistently with my sense of duty follow the example of the noble Viscount, and remain silent. But I feel that it is necessary for me to explain to your Lordships the course which I mean to propose for the adoption of the House, the reasons why I recommend that course, and the grounds upon which I myself mean to give my vote on this measure. I have stated, on former occasions, my fixed and formal opinion of this Bill. The strong opinion I then entertained was, that your Lordships ought not to adopt the principle of the measure as it was introduced to us; and the more I think upon the subject the more convinced I am that it is impossible for your Lordships to give your consent to this Bill in its present shape. I shall now state some of the reasons which induce me to entertain this opinion; for, although I have declared them more than once to your Lordships, I deem it necessary to advert to them again. It is, I believe, perfectly true that it is the general opinion of the members of your Lordships' House that it is proper and expedient to put an end to these corporations. I know that some noble Lords do not participate in this sentiment, but I am confident that a large majority of your Lordships do concur in it. I stated, on a former occasion, that these corporations existed in their present state, and have been brought to their present state, principally with a view to the support and protection of the religion of the Church of England established in Ireland. That, I believe, was the object of the establishment of these corporations in their existing state. Whatever may be done with respect to these corporations for the future, in my opinion that object ought never to be lost sight of. It may be doubted, from what has lately occurred in this country, whether that opinion is so unanimous as it was in former years; but I may venture to say the support of the Church of England in Ireland is still the policy of this country, the policy which His Majesty has sworn to maintain, the policy which this House is called by writs of summons to uphold, the policy which every member of Parliament in either branch of the Legislature is sworn to maintain by the oaths which he has voluntarily taken. Under these circumstances, I think I may safely say that, according to the ancient constitution, according to the modern constitution, according to the uniform policy of this country for the last three hundred years, the maintenance of the Church of England in Ireland forms a prominent and important point of legislative concern. Looking to this Bill now under con-

sideration in relation principally to that policy, it goes undoubtedly to establish a very large number of corporations in Ireland, the mode of their formation being to give votes to the very lowest class of the population of the towns in which those corporations are to be formed. This is to be done, not upon evidence of their possessing property; not, as in England, upon residence, upon the payment of rates, or the evidence of their possessing anything in the nature of property; but simply on the condition that the parties possess a 5*l.* or 10*l.* qualification, made up of all kinds and descriptions of property put together, and this without any proof whatever excepting the oaths of the parties themselves of their possessing that qualification. It is well known to your Lordships that a system of perjury extensively prevails in all parts of Ireland with a view to establish franchises of this description. I have recently seen accounts of inquiries before Select Committees into certain Parliamentary elections which have taken place in that country, and it is impossible to glance at them without being impressed with the conviction that, if any description of franchise depended solely on the oaths of the holders, every species of inquiry would be nugatory, and it would be just as wise to let in at once universal suffrage as to establish a system of franchise in such a manner. Those corporations, thus formed by persons holding a franchise of that description acquired solely by their own swearing, and without any evidence whatsoever of their possessing any property except their own oaths, would establish a system upon which no reliance could be placed, and on which no establishment whatever could safely depend. If we want any proof of the danger to the Church of Ireland by the establishment of corporations of this description, I would refer your Lordships to the declarations, I will not say of the declared enemies, but I must say the strongest opponents of the Church, and who are found on every occasion making the greatest possible exertions against the Church in Ireland. Those persons are heard declaring publicly and repeatedly, almost under the very view of the Government, 'Give us but this Corporation Bill, and all the rest will follow.' If there were any doubt about it, I beg to say I should not be disposed to listen to the threats of any man; but, when my own senses convince me that such must be the result—I mean danger to the establishment—I do say it is my duty to attend to warnings of that description to which I have adverted. We hear a great deal at different times of the absolute

necessity of establishing a system of municipal government in Ireland, because such a system has been established in England and Scotland; but I beg leave, once for all, to say that the analogy does not at all hold. The circumstances of the countries themselves are totally different. But, assuming that it were otherwise, and it were necessary to follow the example in England and Scotland, I want to know why you do not establish corporations in Ireland upon the same footing as in England and Scotland? I pray your Lordships just to advert for a moment to the difference which exists between the system which has been adopted in England and Scotland, and that which is proposed to be followed in Ireland. In England, it is very true, the corporate franchise is extended very far indeed; but the principle, the foundation of the whole system in England, is the possession of property; the proof of the possession of property by residence, by the payment of rates; every evidence, in short, of the possession of property which can be required of a man in the middling and lower ranks of society. Such is the system established in England. In Scotland it is the same, with this difference, that in England the qualification arises out of the possession of one tenement of the yearly value of 10*l.*, whereas in Scotland it is founded on the possession of tenements of the value of 10*l.*; it is the same franchise as for Parliamentary elections; and it is required that the person shall have resided a year before he can acquire the franchise, and also that he shall have paid the assessed taxes. But in Ireland there is to be no proof whatever of the possession of property except the party's own oath, and he is not required to pay a single shilling of taxation. There is another circumstance with respect to Scotland, in itself exceedingly curious, and which shows how very little attention noble Lords opposite have paid to the details of their own measure which they have introduced, when they now come forward and contend that in this Bill the same principles shall be followed in the case of Ireland which have been adopted with respect to England and Scotland. When I addressed your Lordships on a former evening upon this subject I instanced, as one of the objections I entertained to the Bill now under consideration, the power of taxation to be possessed, and the mode in which it is to be exercised, by these corporations, for the purpose of forming a borough fund. I request your Lordships to advert to the manner in which the same powers are exercised in Scotland. In Ireland the corpo-

rations would have the power of raising a rate to form a borough fund, on the principle of the taxation under the 9th George IV.—that is a graduated scale of taxation, rising to an enormous amount upon the increase of property. How does the matter stand with respect to Scotland? In the first place, corporations have no power of taxation at all. There is an Act of Parliament which enables every burgh in Scotland to provide for what are called corporate expenses, such as paving, lighting, watching, scavengering, supplying with water, and other expenses of that description; but what does that Act of Parliament provide? Why, that the persons who are to adopt that system under the Act shall have the power of voting for it in a particular assembly to be called for that purpose; that this assembly shall be composed of persons having 10*l.* houses, those having houses of a certain value having the power of naming a person to give a second vote for such houses, and the adoption or non-adoption of the system under that Act in each particular burgh depending on the votes of three-fourths of the inhabitants. If that system be not adopted by three-fourths of the inhabitants it cannot be carried into execution. I beg your Lordships to compare that system prevailing in the Scotch corporations as formed by noble Lords opposite, with that which they now propose with respect to Ireland, according to which all those having no property are to elect the corporations to lay on taxation on a graduated scale, rising in proportion to the amount of property, and against the wishes of the proprietors. Now, in forming corporations for Ireland the greatest possible care should be taken, first of all, that no injury should be done to the Church, that no establishment should be formed that could prove injurious to the Church; and, in the next place, that by every means in our power we should take care nothing we do should give an influence, a paramount influence, to those in the lower classes of society, who are most likely to be under the dictation of those who are opposed to the Protestant religion in Ireland. If noble Lords opposite had only taken the pains of looking into the Scotch system, they might have found an Act much more acceptable to that House and the friends of the Church than the measure which they have now brought forward. I have already stated the absolute necessity under which I think the Legislature lies of taking care that nothing shall be done in measures of this kind which may prove injurious to the Church; and certainly I, for one, never can con-

sent to this Bill, or to any one founded on the same principles. I voted last year for the instruction proposed by a noble friend of mine (Lord Fitzgerald), and carried into execution in the Committee by my noble and learned friend (Lord Lyndhurst), now unfortunately absent; but I certainly am unwilling to propose any amendment of the same description to this measure, because I find that it was objected to in another place on two occasions last year, and that the same measure has now been sent up to this House a third time. In the last communication which your Lordships had on this subject with the other House of Parliament in the course of last Session, a hope was expressed that means might be found on some future occasion to enable the two Houses to co-operate in establishing some system of local government in Ireland. Our attention was again called to the subject at the commencement of this Session by His Majesty's most gracious Speech from the Throne, when we returned an answer in conformity with His Majesty's desire. Accordingly I observe that two Bills in connexion with this subject have been presented to Parliament, besides that now immediately under consideration, one relative to the Irish Church, and the other having for its object to make a legal provision for the poor in Ireland. I cannot pretend—it would be quite irregular—to enter into any general discussion upon the measure which relates to the Irish Church which has lately been presented to the other House of Parliament. But, from the general description of that measure, and the discussion which has taken place in reference to it, I can form some judgment as to its object. I see nothing in it but a departure, if I may so call it, from a resolution which His Majesty's Government adopted on a former occasion, but attended by provisions which appear to me rather more harsh than the resolution itself, and probably more likely to be injurious to the Church. The measure formerly proposed went to dispose of a surplus which never existed, and never is likely to exist; in that respect there is now an alteration; the measure as now proposed goes to establish a fund for a surplus, and deprive the successors of those that hold benefices hereafter of one-seventh of their income, to be applied to what is called education in Ireland. I certainly cannot see a great improvement in the measure. The original measure has been changed, and so far there is some foundation to hope that the second measure may be changed also. I observe that this mea-

sure is founded on the construction of an Act of Parliament, and upon a quotation from the public records; which construction, in my opinion, is not the accurate one which ought to have been given. This being the case, I shall hope that His Majesty's Government, finding that they have made an erroneous calculation in this matter, and seeing the hardship of calling on those who are already sufficiently degraded and distressed to make a further sacrifice of 14 or 15 per cent. of their income, will be disposed to give way upon those particular clauses of the Irish Tithe Bill. I will not therefore lose all hopes that the result of discussions on the measure in this and the other House of Parliament may at last produce what for years past we have been most desirous of obtaining—a just and satisfactory adjustment of the tithe question, which would relieve the Church of Ireland from that state of great distress in which it has been involved for the last seven years. In the hope that such may be the case, I am anxious to consider of some means for carrying that measure into execution. Besides that with respect to tithes now under the consideration of the other House of Parliament, there is another measure having for its object the establishment of a legal provision for the poor in Ireland. I am perfectly aware of the great difficulty of this question; but if it were adopted at all, if it were in any shape carried into effect, it is obvious it may afford the best and most satisfactory means of testing the qualification with respect to possession of property by the claimants of the franchise in the middle and lower classes of society, and of establishing a safe resting-place with respect to the franchise in corporations or otherwise. In the hope that those measures will have this effect, I am anxious to postpone the consideration of this Bill till some future period, in order that the House may see whether these other Bills will answer the purpose of giving security to the Church of Ireland, in the first place upon that important point of the adjustment of tithes, and whether the other will give that security to the Church and to society in Ireland, by confining the franchise to the *bonâ fide* possessors of property, who ought to exercise it, in which case the House would have the opportunity of carrying into execution that pledge which they have given on a former occasion of co-operating with the House of Commons in adopting a system of local government for Ireland. With this view I call upon your Lordships to adjourn the consideration of this measure till some further opportunity. The time

I propose is sufficient to enable your Lordships to take the other two measures into consideration, and therefore I shall conclude by proposing to substitute for the word 'now' 'the 9th of June.'

Viscount MELBOURNE opposed the amendment.

After some discussion, in which the Earl of WICKLOW, the Marquis of LANSDOWNE, Lord BROUGHAM, and other Peers took part,

THE DUKE OF WELLINGTON said:

The noble and learned Lord called upon me on a former night to lay upon the table a copy of the amendments which I intended to propose, as the noble and learned Lord was anxious to consider them. I then told the noble and learned Lord that I had no amendments to propose, and with that answer the noble and learned Lord appeared satisfied. The noble Viscount has also complained that I had not informed him of the course which I intended to pursue in postponing the Committee on this Bill till the other two Bills were before the House. I thought I had given the noble Viscount a very palpable hint as to the course which I intended to pursue, for, if I recollect right, I read the paragraph in the King's Speech, in which those three Bills were mentioned together, and the answer which your Lordships had given thereto. There is one point to which I wish to call the attention of your Lordships, as both the noble President of the Council and the noble and learned Lord have labored much to prove the want of connexion between this Bill of Municipal Reform and the Irish Church Bill. The difficulty under which the Irish Church labors at present is the state of the tithe question, owing to the measures of Parliament. This state of the tithe question, which has reduced the clergy of the Church of Ireland almost to starvation, is kept up in Ireland by the excitement occasioned by agitation all over the country. I am anxious to avoid additional agitation, and especially authoritative agitation, by the members of town-councils acting under the influence and authority of agitators elected to their situations by the lowest class of the people—a people, too, acting under the direction of the violent opponents of the Protestant Church in Ireland. I must also notice another objection I have to this Bill. It gives to the town-councils great influence and power in their immediate neighbourhoods, not for one mile, but for a circuit of seven miles. It gives them great influence also, not only in the county in which

their corporate town is situate, but also in any neighbouring county or counties which are within seven miles of their town. Some of these town-councils would have jurisdiction over three or four different counties. Is that, I would ask, desirable with a view to the agitation of the question of Irish tithes? I put that question distinctly to the noble Viscount, and I beg that the noble Viscount will answer it. Under these circumstances, I ask whether those who have a sincere regard for the welfare of the Established Church in Ireland ought not to pause over this Bill until they see how the Irish tithe question is likely to be settled. I freely confess that the preservation of the Protestant Church of Ireland is the object which I have in view—it is a principle to which we have sworn our Sovereign, to which we have sworn ourselves, and to which the other House of Parliament has also sworn its members. If that principle be changed, if it be no longer the policy of the country, your Lordships ought to be informed of the change before we take any further measure for the preservation of the Irish Church, and more particularly before we are threatened with a collision with the other branch of the Legislature. In conclusion, I repeat that, unless a satisfactory settlement be made of the Church question, I shall not consent to the committal of this Bill.

The amendment was carried by a majority of 192 to 115.

May 8, 1837.

STATUTES OF COLLEGES AND HALLS OF OXFORD AND CAMBRIDGE.

The Earl of RADNOR moved the appointment of a Committee to inquire into the Statutes, &c., of the Colleges and Halls in the Universities of Oxford and Cambridge.

THE DUKE OF WELLINGTON said:

It was, my Lords, perhaps impossible for the noble Lord to make this motion without adverting to the debate which took place in this House on a former occasion, upon the subject of a similar motion, for leave to bring in a Bill having the same object in view; but I confess I should have wished entirely to avoid the topics of that discussion, because it is my sincere wish to adopt a

conciliatory tone upon this occasion, and to say nothing that could provoke any further debate, but, on the contrary, to bring this question to a settlement which may be satisfactory to the whole House. I cannot now, however, avoid adverting to some of the topics of the noble Lord, who has remarked upon something that fell from me on a former occasion. I confess that, on that occasion, I did not see any ground for the motion of the noble Lord for the second reading of the Bill which he proposed. I certainly intended no imputation on the noble Earl, who has now fairly stated his opinion that greater facilities ought to be given for the introduction of Dissenters into the universities than at present exist. What I said on a former occasion was no more than that the conduct of the noble Lord indicated that such was his object, and the object of the Bill. The noble Earl has alluded to an admission made by a right reverend Prelate, that there is a necessity for an inquiry into the state of the Universities, although it should not be made by a commission appointed under an Act of Parliament. I think that the noble Earl has fallen into a mistake, and that what the right reverend Prelate contended was, that there ought to be inquiries instituted, but I do not think he said those inquiries ought to be made by a Committee of this House. The noble Earl has founded his present motion on pretty nearly the same grounds as those on which he rested the former. He has stated that there exist in the Universities various obsolete, useless statutes, which have become impracticable on account of the length of time which has passed since they were framed. But he has also stated that the members of the various colleges of these Universities are sworn to the observance of those statutes, and yet do not observe them. I wish the noble Earl had examined the subject a little further before, with his weight and authority, he made such charges against these persons. I am bound to say, in respect to some of those charges, the acts which these persons are accused of, that many of these statutes have become illegal, and therefore not binding. All those which relate to Roman Catholics cannot be carried into execution, even according to the confession of the noble Lord. Others have become entirely obsolete, and others impracticable in the present times. But is it, therefore, to be said that these persons are guilty of perjury?

The Earl of RADNOR: I have not said that they were.

THE DUKE OF WELLINGTON:

Is it just to insinuate that they might be guilty of perjury? The noble Earl ought first to inquire whether there is any power in the governing body of the colleges to dispense with their statutes, or with the oaths appended to them. Then, when the noble Earl comes to a particular point—namely, the admission of scholars on the foundation of those colleges, and speaks of the absolute necessity of their being *pauperes*—I contend that this is entirely out of the question. Those scholars are quite a different class of persons from the independent members; they are, in general, persons, I will not say such as come under the class understood by the term 'paupers' in the present day, but of the middle class of life; and as gentlemen are now admitted into the Universities at an advanced time of life, are not exactly children of eleven or twelve years of age, as in former times, of course they must have been to a certain degree instructed, and are, in all probability, not in that extreme situation of poverty which would bring them under the description so frequently stated by the noble Lord, *pauperes* and *valde pauperes*. It does not always follow that persons shall be admitted on account of their poverty, because there are other qualifications required—namely, a certain proficiency in study, and that they must undergo an examination before they are received. It is not so with the independent members of the body. They are received according to the rules of the establishment, modified from time to time by the governing body, or by the visitors having power to make such modifications. On a former occasion the noble Earl and a noble and learned Lord adverted at great length to the College of All Souls, relative to the nomination to scholarships by noble families. There is scarcely a noble family in England that is not of kin to the founder of All Souls. Supposing that he had left the property among twenty-six of his own relations, could the law of England take it from them? Most of the right reverend Bishops on the Bench, some of your Lordships, and many gentlemen in His Majesty's service, have been fellows of All Souls. I do not see that there could be a more advantageous disposition of the property of those establishments, nor can I see why the question of the disposition of the property should be entertained at present, or that a motion for inquiry into it should be brought forward. Another great objection started by the noble Lord is against the non-residence of fellows in these colleges. I believe that non-residence is permitted by the founders

to a certain extent, and that the visitors have the power of permitting non-residence in many instances. I imagine that in every one of the instances alluded to by the noble Lord it would be found that no statute has been violated. I speak on the authority of those who have the means of knowing all the facts, and I have a distinct answer to every one of the cases adverted to by the noble Earl. With respect to one statement—namely, that the chief fellow of Brasenose College holds a living, and absents himself from college — this case was taken into consideration by the governing body, and it was decided by them and the visitor that no such occurrence should again take place. To all the other statements I have a clear and distinct answer, but I do not think it necessary to enter into all those particulars. I will pass on to the subject of the vote to which the House will come this night. It is truly stated by the noble Earl, that a right reverend Prelate, and other persons connected with Trinity College, Cambridge, are of opinion that some inquiry should be made into this subject, and that some measure should be adopted to obtain a remedy for those evils which really exist, evils arising out of the existence of obsolete and impracticable statutes, which are not only useless but injurious. I admit that I am one of those who have long been of opinion that some amelioration should be made, and very shortly after I became Chancellor of the University of Oxford I had a correspondence with the governing body on that subject, and recommended them to take into consideration the circumstances in which they are placed, and to adopt such ameliorations as might be considered safe and necessary. I believe they have that subject under their consideration, and I am authorized to say that they are on the road towards making those inquiries and those ameliorations which the noble Lord has so strongly urged on the House. The colleges in the University of Cambridge, I believe, are directing their attention to the same subject. The noble Lord has mentioned what Trinity College has done. That is the usual mode of proceeding, because His Majesty is visitor of that college, and therefore it is proper for them to apply to the King for permission to make any alterations which they contemplate. If, then, there exists a disposition among the colleges of both Universities to make such alterations as are required, is it the duty of this House to act on such statements as have been made to your Lordships, and which, I aver, if not totally devoid of foundation, are so in respect to

the principal particulars? Is it not rather the duty of your Lordships to pause a while, and to give time to the colleges and universities to exercise that consideration and power which they are disposed to exercise, before your Lordships proceed to inquire into their affairs, and with a violent hand to make alterations which may not only not be necessary, but be productive of no good effect, and, perhaps, of much mischief? Suppose the noble Lord should be able to prove that there has been a breach of a statute in any particular college—for instance, that Latin ought to have been taught in hall, but had not been so taught; or something even more important than that had been neglected—is it desirable to bring the particular college in which such fault has been committed before your Lordships? Does it not occur to the noble Lord that the consequence of such a proceeding might be the forfeiture of the property and all the advantages resulting at the present moment to the public from the existence of that college? I believe, however, that there cannot be found any ground for presuming that breaches of statutes have been so extensive or serious as would be implied by the speech of the noble Earl. Would he have us recur to the old system of admitting fellows and scholars? The noble Lord has been pleased to say that our colleges are no longer seats of learning. I think the noble Lord must have forgotten a little what we see around us; he must have forgotten such men as Dr. Buckland and others. Considering that the Universities are prepared to make all the inquiries that are necessary, and all the alterations which it will be in the power of Parliament to make, I think it will become the House to pause before it adopts a course which may injure the Universities, and which will throw impediments in the way of those ameliorations which it is the decided intention of those bodies to introduce. I have taken the opportunity of offering these observations to your Lordships immediately after the speech of the noble Earl, with a view of inducing your Lordships to pause before you agree to the proposed resolution; and I will conclude by expressing a hope that the answer I have given to the statements which the noble Lord has thought proper to make has satisfactorily proved to your Lordships that you ought to negative the proposition of the noble Earl.

Motion withdrawn.

May 9, 1837.

AFFAIRS OF CANADA.

Lord GLENELG moved the adoption of the resolutions respecting Lower Canada which had been sent up by the House of Commons.

The Earl of RIPON said that, in voting for the resolutions, he was to be understood as not bound to all the points they embraced.

Lord BROUGHAM opposed the resolutions.

THE DUKE OF WELLINGTON said:

My Lords, I do not intend to offer any opposition to the resolutions, although I do not exactly comprehend what course the noble Lord intends to pursue in consequence of their being adopted. I do not understand whether it is the intention of the Government to bring in any Bill or Bills founded upon the resolutions, or whether, acting upon the eighth resolution alone, it is intended to send out his Majesty's command to seize upon the money in the Canadian treasury, for the purpose of applying it to the payment of the civil list. If the latter be the course intended to be pursued, I must say that I consider it extremely unjust. The resolutions of this House, and of the other House of Parliament, cannot give to the Government the power of issuing such a command. On the other hand, I do not understand what Act of Parliament can be brought in to enable the Governor-General of Canada to seize certain sums of money belonging to that province. I confess I have always been opposed to the system adopted under the Act proposed by my noble friend (Lord Ripon). I was opposed to that Bill from the commencement, because, in my opinion, the province of Lower Canada never manifested any disposition to make a provision for that which I think most essential to the good government and well-being of every society that can be brought together—the due administration of justice by learned and independent men. When His Majesty, under the provisions of the Bill introduced by my noble friend, resigned certain important branches of revenue into the hands of the Canadian representative assembly, sufficient security was not taken that provision should be made for that service, which I maintain is the most important and most necessary to every society, wherever it may be placed. Upon the present resolutions, and upon the whole speech of the noble Lord, I would observe, that the Assembly of Lower Canada has not manifested any

disposition to provide for the independent administration of justice, and that they have allowed those who have well performed those services, and the other services of the civil government, to go on for between three and four years without providing in any manner for their subsistence. No one can read the history of the sufferings of the officers of the civil government of Lower Canada, without feeling that they reflect the deepest disgrace upon the authors of them. There are some men who went out from this country, for the purpose of serving His Majesty as judges in Lower Canada, who are literally starving, and compelled to pawn their books and clothes in order to obtain a scanty subsistence for themselves and families. Such has been the condition of these men for the last three or four years, although, during the whole of that period, the Crown revenues have been made over to the Assembly of Lower Canada, who, with the money in the treasury, absolutely refuse to make any grant to defray the salaries of the civil officers of the Government. Then, again, as regards these resolutions, I must observe that the House of Assembly made two demands; they refused to provide a civil list, but they made two demands. First, they demanded that the Executive Council should be made responsible to the House of Assembly. In reply to that demand, the fifth resolution now before the House states with great propriety that it is not expedient that the Executive Council should be made responsible to that body. The next demand was, that the Legislative Council should be made responsible to that body. The next demand was, that the Legislative Council should become an elective body. The noble and learned Lord who has just addressed the House has certainly stated a great many reasons why that demand should be complied with; but all these reasons are referable to the wishes of the people. The noble and learned Lord, after stating that the House of Assembly insists that the Legislative Council should be elected by the people, endeavored at great length to prove that the House of Assembly, being elected by the people, must speak the voice of the people; and, therefore, that it must be the wish of the people that the Legislative Council should be elected by themselves. But has this House, and the other House of Parliament, and His Majesty's Government, no other duty to perform except to carry on the Government of Canada according to the wishes of the people of Canada, as manifested in the House of Assembly, by whom it is insisted that the govern-

ment of the province shall be made responsible to them, and who will not vote supplies to enable His Majesty to administer justice? Such being the conduct of the House of Assembly, the noble and learned Lord has, nevertheless, come down and told us that the Legislative Council ought also to be elective, in order to render it quite sure that there shall be no independent Government in Lower Canada, but that the whole shall be given up without reserve into the hands of these two Councils, elected, as the noble and learned Lord proposes, by the people. I really must say that that is a system of government which I for one can never consent to establish, either in Lower Canada, or in any other dependency of the British Crown. What I say is this, that it is essential for the British Parliament to take care that justice shall be administered; and, in order to its being well administered, that the judges shall be independent, not only of the executive power, but also of the Legislative Councils and Assemblies. I observe that the fourth resolution states, 'That in the existing state of Lower Canada, it is unadvisable to make the Legislative Council of that province an elective body.' I am certain the noble Lord opposite cannot intend that any sort of doubt shall attach to the meaning of the resolution. In that case, the words in which it is framed are not sufficiently explicit. Ministers, I suppose, either mean or do not mean to make the Legislative Council elective. I conclude from the terms of the resolution as it now stands that they do not intend to make it elective for the present. I do not suppose that they have any design of carrying such a plan into execution hereafter, but the point is left in doubt by the employment of these words, 'in the existing state of Lower Canada.' Would not the meaning of the Government be expressed as well if they were to say simply, 'it is unadvisable to make the Legislative Council of Lower Canada an elective body,' leaving out the words to which I have referred? The concluding words of the resolution might then stand as they are at present expressed—'but it is expedient that measures be adopted for securing to that branch of the Legislature a greater degree of public confidence.' This would make the proposition contained in the resolution perfectly clear and intelligible, and not liable to any misconstruction. Whilst it presumes nothing for the future, it would distinctly express the present positive intention of the Government not to make the Legislative Council an elective body.

But there is another reason for making the alteration I suggest, and that is the manner in which the same proposition is treated in the fifth resolution. The fifth resolution says, 'That, while it is expedient to improve the composition of the Executive Council of Lower Canada, it is unadvisable to subject it to the responsibility demanded by the House of Assembly of that province.' When the commencing words of the fourth resolution are compared with those I have just read, I think your Lordships will perceive that they certainly convey a meaning which I am sure the noble Lord (Lord Glenelg) does not intend. I agree with the noble Lord that the Government, in the administration of the affairs of the colonies, should be careful to avoid any acts of an unkind or ungracious character towards the local assemblies of those colonies, but at the same time it is most desirable that the Government should avoid holding out expectations to them which they do not mean to carry into full execution. I believe it will be very desirable, indeed, to improve as far as possible the composition of the Legislative Councils in all the British colonies of North America; but when the conduct of the House of Assembly of Lower Canada, in refusing to grant supplies for their own civil Government, and the due administration of justice amongst their own fellow-countrymen, is remembered, I am sure your Lordships will feel more and more convinced of the absolute necessity of not subjecting the government of the province to their control without some check. With these observations I will conclude. It is not my intention to throw any difficulty in the way of the resolutions, but I think it will be well if the suggestion I have thrown out with respect to the fourth were adopted.

Resolutions agreed to, Lord BROUGHAM alone dissenting.

June 15, 1837.

THE WAR IN SPAIN.

The Marquis of LONDONDERRY called upon the Government to state whether it was their purpose to persevere in the policy with regard to the Peninsula which they had for the last three years so erroneously pursued.

Viscount MELBOURNE defended the policy of the Government.

THE DUKE OF WELLINGTON said:

My Lords, when I see His Majesty's Government lending their sanction to His Majesty's subjects engaging in the service

of a foreign power, I conclude that their services will be given under certain engagements on the part of that power, and certain terms in favor of the individuals, whether officers or private soldiers, who render their services. Now, I wish to ask the noble Viscount, as a Minister of the Crown, whether it is desirable that an agent of His Majesty's Government acting with the army on the Spanish frontier should have gone and interfered in those arrangements and engagements, and should, so far as his own conduct went, for I will not go farther than that, have given those individuals cause to believe that those arrangements were sanctioned and guaranteed by His Majesty's Government. I think that, if this officer has taken upon himself to interfere in an arrangement of this description, without the authority of His Majesty's Government, he has done what he ought not to have done. He was an officer employed at the head-quarters of one of the Spanish armies by His Majesty's Government for the purpose of giving them intelligence of the operations that were expected to take place in the course of the war. It was quite right that he should give that intelligence, and that he should be on the best terms with all those who were engaged in those operations, but an interference on his part with His Majesty's subjects, either in assisting to form a fresh Legion, or in any other manner which would induce them to enter into a foreign service, exposes the Government of this country to be sued and called upon to make good the engagements which its agent has been instrumental in forming. I really hope that the noble Lord is mistaken in supposing that Colonel Wylde has taken any part in the formation of a fresh Legion, but I must say, that if he has taken that course he has done what he ought not to have done.

June 22, 1837.

DEATH OF WILLIAM IV.

The LORD CHANCELLOR having read a message from the Queen, communicating the death of William IV.,

Viscount MELBOURNE moved an address of condolence to Her Majesty on the death of the late King, and of congratulation upon her accession to the throne.

THE DUKE OF WELLINGTON said:

I concur, my Lords, entirely in every expression of the noble Viscount's speech upon this occasion, and also in the address. I

have served his late Majesty in the highest situation; I have been in his Council as well as the noble Viscount. I, indeed, did not serve him so long as the noble Viscount, or even in any such prosperous circumstance as the noble Viscount, but I have had opportunities of witnessing in all these circumstances the personal advantages of character so ably described by the noble Viscount. It has fallen to my lot to serve His Majesty at different periods and in different situations, and, while I had the happiness of doing so, upon all those occasions I have witnessed not only all the virtues ascribed to him by the noble Viscount, but likewise a firmness, a discretion, a candour, a justice, a spirit of conciliation towards others, and a respect for all. Probably there never was a sovereign who in such circumstances, and encompassed by so many difficulties, more successfully met them than he did upon every occasion that he had to engage them. I was induced to serve His Majesty not only from my sense of duty, not alone from the feeling that the Sovereign of this country has the right to command my services in any situation in which I consider I can be of use, but from a feeling of gratitude to His Majesty for favors conferred on me, for personal distinctions conferred on me, notwithstanding that I had been unfortunately in the situation of being under the necessity of opposing myself to His Majesty's views and intentions when he was employed in a high situation under Government, and in consequence of which he had to resign a great office, which he must beyond all others have been most anxious to retain. Notwithstanding that, my Lords, His Majesty employed me in his service, and he as a Sovereign manifested towards me a kindness, condescension, and favor which, long as I live, I never can forget. I considered myself then not only bound by duty, and the sense I feel of gratitude to all the Sovereigns of this country, but more especially towards his late Majesty, to have relieved him from every difficulty I could under any circumstances. I second the motion for the Address.

Address agreed to.

July 7, 1837.

SUCCESSION TO THE CROWN.

The LORD CHANCELLOR moved the third reading of the Bill to provide for the government of the country on the demise of the Crown.

Lord BROUGHAM, after stating some objections to the Bill, moved that the next in succession to the throne, of full age and resident in the country, should be included amongst the Lords Justices; and also that the Chief Justice of the Queen's Bench should be excluded from being one of the Lords Justices.

THE DUKE OF WELLINGTON said:

I consider, my Lords, that there is a clear distinction between the Bill of 1705 and the measures referred to for appointing regencies in this country. These regencies were to provide for a certain event, and were brought into the House under the immediate authority of the Crown, and which it was the duty of the Crown itself to provide for. But now the case is quite different. Here the case to be considered is that of the succession of the next heir, who happens to be absent from this country, and most probably will continue to be absent. We are, then, to look to what Parliament have done formerly, and what they provided for in that event. Persons were nominated to the regency who possessed all the confidence of Parliament and the public—men of high office—the great officers of State—the Archbishop of Canterbury, and others, known to the country, and known to possess its confidence; and means were also provided for the person who succeeded to the Throne to nominate the persons who possessed his confidence to be also in the regency. But the noble and learned Lord says that we ought to put into the regency the names of certain other persons of a certain description, because their names were introduced into other regencies appointed for another purpose, and in a different manner. Now, provision is made for the Sovereign having such persons in the regency if he thinks it right that they should belong to the regency; and if he does not, why should Parliament place such persons in the regency? I therefore recommend your Lordships not to adopt the amendment of the noble and learned Lord. With respect to the appointment of the Chief Justice of the King's Bench, I agree with the noble and learned Lord that it is highly improper to introduce a Chief Justice into the Cabinet; but in forming a council of regency, where there are six other great officers, with seven or ten others to be named in the absence of the Sovereign, the exercise of his functions could not be attended with any injury to the public. It is to be observed that in Ireland the Chief Justice has frequently been named one of the lords justices. At this moment the Chief Justice of the Queen's Bench is one of

the lords-justices, in the absence of the Lord-Lieutenant. I do not know but the noble and learned Lord himself was a party to such appointments of the Chief Justices in that country. I do not see any distinction between a Chief Justice in Ireland being one of the lords-justices, and a Chief Justice in England being one of the council of regency in this country.

Amendment negatived: Bill read a third time and passed.

[FIRST SESSION OF THE THIRTEENTH PARLIAMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND.—I. VICTORIA.]

November 15, 1837.

ADDRESS IN ANSWER TO THE SPEECH FROM THE THRONE.

The Address in answer to Her Majesty's speech from the Throne having been moved by the Duke of SUSSEX, and seconded by Lord PORTMAN,

THE DUKE OF WELLINGTON said:

My Lords, I have great satisfaction in rising upon this occasion to give my assent to the Address moved by the illustrious Prince opposite in answer to the Speech delivered by her Majesty from the Throne. My Lords, I have so little objection either to that gracious Speech or to the address moved by the illustrious Prince, that I should have thought it unnecessary to address one word to your Lordships upon the subject, if it had not been for the purpose of expressing my respect for her Majesty and likewise for the illustrious Duke who has moved the Address on this occasion. I shall certainly follow the example of his Royal Highness, and of the noble Lord who has seconded the Address, in making no observations either upon the Speech or the Address which can in any manner occasion any irritation of feeling or difference of opinion on the part of any noble Lord on either side of the House. My Lords, I sincerely congratulate your Lordships that, on this first occasion upon which her Majesty has addressed the Parliament called by herself, it is in the power of this House to return an answer to her Majesty which shall be unanimous. It is impossible that any noble Lords could have addressed themselves to your Lordships with more judgment and discretion than the illus-

trious Prince and the noble Lord who last addressed you. My Lords, his Royal Highness has been pleased to advert to a certain fortunate event at which I was present at the same time with his Royal Highness. I perfectly recollect that event, and I have always considered with the utmost interest the object of it. My Lords, I hope that during every moment of the remainder of my life I shall witness the prosperity of her Majesty's reign, and her individual happiness. I can say no more, my Lords, to express my feelings towards that illustrious individual. My Lords, I likewise recollect the expressions to which the illustrious Prince has adverted, and which fell from me at the termination of the last Session of Parliament. My Lords, I have not by any means changed my intentions upon those subjects; and I will only upon this occasion add, that those subjects have been adverted to in the Speech from the Throne, and also in the Address moved by the illustrious Prince, and seconded by the noble Baron, in such a manner as to facilitate the intentions of which I spoke last Session. I will not trouble your Lordships further, except to express my anxious hope that this address will be allowed to pass unanimously.

November 27, 1837.

STATE OF IRELAND.

The Earl of RODEN, in a lengthened address, moved for various returns, for the purpose of showing that the state of Ireland was not characterised by the domestic tranquillity attributed to it in the speech from the Throne.

The Earl of MULGRAVE made an elaborate statement to prove that during his administration of Ireland the number of political offences there had been progressively diminishing, and the general morality of the people improving.

The Earl of DONOUGHMORE demanded that the Government should seek greater powers for the suppression of outrage in Ireland.

THE DUKE OF WELLINGTON said:

Having considered it to be my duty, after my noble friend (the Earl of Roden) announced his intention of bringing this subject under the consideration of the House, to look into and consider the documents, and those papers having made a strong impression upon my mind, I now feel myself bound to offer a few observations to your Lordships upon them. The noble Earl opposite has stated that the tranquillity mentioned in her Majesty's Speech from the Throne, on opening the present Parliament, was not intended to

mean judicial or agrarian tranquillity, but political tranquillity. And what is the sort of political tranquillity existing in Ireland? I believe that, a very few days before the speech in which the word tranquillity is used was delivered, the Association which was assembled in the capital of Ireland, under the eyes of the noble Earl opposite, was dissolved; but, at the same time, her Majesty was given to understand that she was not to have the choice of her Ministers, but that they must be selected by the gentleman who was the founder and the head of that Association. Now, to talk of tranquillity—political tranquillity—in any part of that country, looking at the situation in which it is placed, is vague and idle. The noble Earl has said that the agrarian disturbances in Ireland are not to be attributed to political agitation. Now, one of the greatest authorities that ever appeared in this or any other country —a noble relation of mine—stated that 'agrarian disturbances in Ireland were to be attributed to political agitation, and to nothing else, as much as effect was to be attributed to cause in any instance whatever.' He was confirmed in that opinion by a noble Earl (Earl Grey), who pronounced the strongest panegyric upon it. Not only did that noble Earl (Earl Grey) express in strong terms his entire acquiescence in that opinion, but I think, also, that a noble and learned Lord opposite (Lord Brougham) who then occupied the Woolsack, expressed his agreement in that sentiment. I say, then, that in Ireland they have agrarian disturbances because they have political agitation, and, indeed, the noble Earl opposite (the Earl of Mulgrave) over and over again admitted it in his speech to-night, to my noble friend (the Earl of Roden) and others behind him; nay, more, the noble Earl has himself clearly proved the fact to be so from the quotations which he has read from some of these reports. But, then, the noble Earl says that it has always been so in Ireland. That is most true; it was so when I had the honor to fill the office of Chief Secretary to the Lord-Lieutenant, now some thirty years ago; it was also the case at a subsequent period, when a Right Honorable friend of mine in another place was Chief Secretary. I admit that such was the state of things at both those periods, and that it has continued, in a great degree, ever since; but what is the difference between the course pursued by the Governments with which I and my honorable friend to whom I have alluded were connected, and that pursued by her Majesty's present advisers? Why, we, and

the Governments to which we belonged, came down to Parliament and admitted that there were disturbances. We came down and entreated Parliament to enable us to put them down, but we did not come and put into the speech of any Sovereign that Ireland was in a state of tranquillity. No; I repeat that we came down, candidly stated the truth, and called upon Parliament to grant us extraordinary powers—powers which, perhaps, Parliament ought not to have given. However, we did not speak of tranquillity, as was done in the Speech from the Throne in 1836, and in that of the present year. There is the difference between the course of former and present Governments.

Now it would be well for your Lordships to look a little into the state of general tranquillity spoken of in the Royal Speech, as shown by the papers which have been laid before the House. On the subject of those papers I must say that your Lordships have not been remarkably well treated. There is on the Table a Report of the Inspectors of Prisons, the fifteenth report, upon which I shall by and by have to say a few words; but there has been laid before the other House of Parliament, and presented there, another report, namely, a Return from the clerks of the Crown and the clerks of the peace for the several counties of Ireland, of the number of persons committed for trial. That return or report has not been printed by this House, though it is of a very different nature from the Report of the Inspectors of Prisons which has been printed and laid upon your Lordships' Table. Upon both, however, I shall offer a few remarks: and first, with respect to the Report from the Inspectors of Prisons in Ireland, which contains a general statement of the offences committed in Ireland in the year 1836. Now, the noble Earl opposite has gone into a long argument to show the House that there has been an increased number of committals in proportion to the number of offences, and an increased number of convictions in proportion to the commitments. I admit, and give the noble Earl every credit for, that fact; but I also beg leave to give some credit to the House of Lords for it, and for this reason, that the House of Lords amended the Police Bill, and by it gave the noble Earl an efficient police, by which he was enabled to accomplish that good object, namely, to commit more prisoners in reference to the quantity of crime, and to convict more of those put into confinement than were convicted previous to the noble Earl's having the aid of that Police Bill. That

is a fact, and the House of Lords are to be congratulated on the result. Now I will call your Lordships' attention to the state of crime in Ireland, as it appears on the face of the inspectors' reports. I find that in the year 1836 there were committed to prison for offences 23,891 persons. Now I remember that that year was the first in which 'general tranquillity' was made matter of boast in a Speech from the Throne at the end of the Session. I have taken the trouble to look back at the returns of previous years, and I find a great increase of crime in the very year of tranquillity, 1836, which was specially propounded to the consideration of this and the other House of Parliament, and in that year the number committed for offences was, as I have stated, 23,891 persons. From a similar return made for the year 1835, it appears that the numbers were 21,265, or 2000 less than in the year of tranquillity. I have gone back to the year 1828, and I find the returns were as follows:—In the year 1828 the number of committals for offences was 14,683; in 1829, 15,271; in 1830, 15,794; in 1831, 16,192; in 1832, 16,002; in 1833, 17,819; in 1834, after the passing of the Coercion Bill, 21,381; in the year 1835, 21,265; and in the year 1836, 23,891. Now this was what was called tranquillity. These returns show that the number of committals, which in 1828 amounted, as I have stated, to 14,653, increased in the course of eight years up to 23,891, and then Parliament was told that Ireland was in a remarkable state of tranquillity. Now let your Lordships observe what happens in this remarkable year of tranquillity. The noble Earl opposite makes his tour through Ireland, and, crime having thus increased, he thinks proper to exercise the royal prerogative of mercy to the extent of pardoning not fewer than about 1300 persons. This accounts for the boasts of tranquillity; this it is that leads to these painful discussions in this House. But there is not any man who has any property in, or connexion with, Ireland, that does not feel there is a total absence of security for life as well as property. The noble Earl has said it is not political agitation. How is it then that two Protestant clergymen have been murdered?

The Earl of MULGRAVE.—Not one since I have been in Ireland.

THE DUKE OF WELLINGTON:

I am sorry if I have been in error on that point, but of this I am certain, that a vast number of Protestant clergymen have been

the objects of these very offences. I do not wish, however, to make any distinction as to Protestants, but there can, I repeat, be no doubt whatever that in Ireland there is no security either for property or person; one description of property has been actually done away with, and no man can say that his life or his property is secure. It is worth while, I feel, for a few moments longer to detain your Lordships, in order just to state what the offences were which appear in 1836 to have amounted to 23,891. Of that number, 7769 were offences against the person, and of these 843—that is about two a day—were either cases of murder, of conspiracies to murder, or of manslaughter; they were all cases in which human life was attacked or risked. Then there were not fewer than 500 cases of malicious offences against property, of burning, destroying, and attacking property, and there were 44 robberies of arms. This, I think, is a pretty large number of serious offences in the year of tranquillity 1836. This is the account as it stands on the face of the report of the inspectors of prisons; but I have another account, namely, a return from the clerks of the Crown and the clerks of the peace of the several counties in Ireland, of the number of persons committed to their respective gaols, and brought to trial, in 1836. These returns are signed by the clerks of the Crown and the clerks of the peace; and I believe them to be more correct, and that more reliance can be placed upon them than upon the returns of the Inspectors of Prisons. The one I hold in my hand is from the county officers, and states the fact that in 1836 there were 14,000 more criminals in confinement than are stated in the other return. I will read the difference with regard to one most remarkable county—that is, Tipperary. In the return made by the inspectors (Return No. 15), the total number of committals in Tipperary is stated to be 1557 persons.

Now, then, look at the returns of the clerks of the peace and of the Crown. First of all for the gaols of Clonmel, 442; for other gaols in the county of Tipperary, 5412; these numbers added together will make 5854. I entreat your Lordships to notice the total difference which appears between the returns, it being not less than 14,000, to be added to the 23,891 admitted by the return referred to by the noble Earl. The noble Earl has stated that he performs his high duties in that way in which he conceives he ought to perform them. But I beg to ask that noble Earl, has he carried the law into execution against persons whom

the law has justly condemned? Does he never pardon people who ought to have the law carried into execution upon them? Has there not been some little seeking of popularity besides that which ought to result from the due performance of the great duties and judicial functions, for such they are, which he is called on to execute as the highest magistrate in that country? I really think that the British House of Lords is entitled to have these matters satisfactorily accounted for. They ought to know what is the real state of crime in Ireland. There ought to be laid before the House returns, whether they come from the clerks of the peace, or from the inspectors of gaols, or from any other quarter, which shall contain a clear and accurate account of the real state of crime in Ireland, and they ought to be enabled to know which is really the true and correct return when they are called on to pronounce whether that country is or is not in a state of tranquillity. In the course of former discussions in relation to this subject, I have been surprised at the accuracy and minuteness of the Police Reports which have been laid before the House. There are some in my hands, and on looking at them I find that they are remarkable for the distinctness and minuteness with which they are made. The Police Report before me states every offence under its particular denomination, and if details are required they are here to be found at once. The numbers of persons committed or convicted are given under the several heads of 'Homicide; violence to the person; ribandmen; common assaults; outrages of an insurrectionary character; attacks made having intimidation for their object; combinations,' &c. A comparative table of the decrease and increase is also given, one month of the current year with the corresponding month of the previous year. On looking, however, to the present returns, I find that the offences are divided under such heads as, 'Bastardy; common assaults; uttering base coin; passing forged notes; intoxication,' &c.; but the returns are by no means so clear, and full, and satisfactory as the others. But they ought to be such as to furnish Parliament with the real state of the facts in Ireland. I believe that if the returns were honest and correct there would not appear any grounds for believing in the reported agrarian tranquillity. From all the information I have heard, and carrying my inquiries up to the period of the assizes, and even down to the present moment, as far as I can, there is certainly no ground for believing that in that important

part of Ireland, Tipperary—important in reference to the subject in hand—and in other parts of the country also, there has been any decrease of crime since the beginning of the year 1837. By the accounts which I have received, and by others which have been made public, I must say that in that county at least, and in some other parts of Ireland, there is much more of disturbance than tranquillity, and that such a word is not applicable to those parts of Ireland at the present moment. The noble Earl has stated in answer to my noble friend that he has reinforced the police, and that he has reason to believe the effect will be beneficial. But there is one point which the noble Earl has lost sight of, and that is, that armed bands of men are in the habit of passing through the country unprevented by any magistrate or by anybody else. The noble Earl certainly may not be in a condition to prevent such persons going about to commit outrages; but he should not use the word 'tranquillity' while those outrages exist. It is true they have existed before, and they have not been punished; but at the same time those who were then in the Government never used the term 'tranquillity' in reference to such outrages; they acknowledged the fact. That is the first point to which I wish to call the noble Earl's attention; and the next is, that he would use means to procure and furnish such returns hereafter as may enable Parliament to form a correct and certain opinion upon the real state of crime in Ireland.

December 21, 1837.

CIVIL LIST.

Viscount MELBOURNE, in proposing that the House go into Committee on the Civil List Bill, requested Lord BROUGHAM to relinquish a motion of which he had given notice, for the production of the accounts of the Duchies of Cornwall and Lancaster.

Lord BROUGHAM having reluctantly consented to withdraw his motion,

The motion for going into Committee was put.

THE DUKE OF WELLINGTON said:

My Lords, I have to apologise to your Lordships for troubling you on the present occasion. The practice of late having been for your Lordships not to do any important business on Wednesday nights, I did not expect the noble Viscount's statement, and an engagement obliged me to leave the House before I heard the

whole of it; what, however, I did hear, afforded me great satisfaction.

My Lords, I will now say a few words on the principle of the measure. The noble Viscount opposite stated, yesterday, that I had made some objection to a similar measure on a former occasion. My Lords, it is certainly true that I did so, and I have the same objection to the measure now before your Lordships. I recollect that at a former period I differed in opinion with many noble Lords, on account of a provision not being made in the Bill, or in some other measure, for the office of First Lord of the Treasury, and other great officers of state, to make them independent of an annual vote in the Committee of Supply in the other House of Parliament, and I feel an objection to the present measure on the same ground. My Lords, I likewise confess that I feel very strong objections to the system established respecting pensions during the pleasure of the Crown. It is my opinion that a sufficient provision has not been made for the exercise of the royal bounty. The noble and learned Lord last night went into considerable detail with respect to the inconvenience likely to result from the long period of time during which provision is about to be made for granting pensions. Now, I beg leave to call your Lordships' attention to this period of time in respect of certain pensions, and to ask you to consider the service for which these pensions are usually granted. These were not granted to persons who have not given great services to the country. There are now many officers, both of the army and navy, who are on the list for rewards, to which they are entitled for services rendered during the late war. But, my Lords, it is not only officers of the army and navy, but there are a number of families also to be provided for by pensions on the Civil List; and, if we are to look forward for thirty or forty years, is it possible that your Lordships can believe that you have made sufficient provision for those demands upon the bounty of the Crown—demands in which the public interest is materially involved—by giving the Sovereign the power of granting 1200*l.* in pensions each year? I have also another objection to the Bill,—I allude to that clause by which the Crown is to be obliged to state the grounds on which those pensions are granted. There are many claims, many well-founded claims, on the bounty of the Crown, nay, on its justice, which a Minister cannot successfully defend either in this or in the other House of

Parliament. I could state some arising out of certain public events, which I am sure that every one of your Lordships would admit to be well-founded. But it is not only claims of this description for which provision ought to be made. It is desirable, in considering a question of this nature, that both Parliament and the public should be distinctly informed what the amount of the property is which the Sovereign gives up when this bargain of the Civil List is made, and also, that Parliament and the public should consider whether there are not claims on the justice and generosity of every individual having large property, and whether it is fitting that the illustrious personage filling the throne should be the only individual in the country who cannot perform an act of justice and generosity, but must come down to Parliament to have the propriety of it discussed in a public assembly. I could have wished that, before this subject came under the consideration of your Lordships, we had had a distinct statement made to us of the amount of the revenues which the Crown has given up; for then we should have been able to decide whether it is fitting that the generosity of the Crown should be limited as it is in the first instance, and that afterwards every act of that description should be laid before Parliament, and that a Minister should be then called upon to get up in his place to defend it. I cannot let an Act in which I see so much to disapprove pass without protesting against it. I will not, however, take up the time of the House further in discussing the objectionable parts of the Bill, nor will I delay the passing of it by stating any further arguments in opposition to it.

The Bill passed through Committee.

UNIVERSITIES OF OXFORD AND CAMBRIDGE —DR. HAMPDEN.

The Earl of RADNOR, in a speech of considerable length, moved that there be laid before the House a copy of the protests delivered by Dr. Hampden to the Vice-Chancellor of Oxford, on the 8th day of November, 1836, and the 28th day of November, 1837.

THE DUKE OF WELLINGTON said:

I feel myself bound to object to the motion of the noble Earl. In point of form, that motion cannot be made, and I do not know

to what end it can be directed. But I do not solely object to it in point of form,—I object to it also in substance. The object of the noble Earl's motion is to bring this subject under the consideration of the House, with a view to a prosecution by the authority of Her Majesty's Government of the University of Oxford. That is the object of the noble Earl's motion. If the noble Earl had given notice of his intention to address the Crown to direct that Dr. Hampden, as an individual, should be prosecuted, his motion might be more in form; but the intention avowed by the noble Earl is that the University of Oxford shall be prosecuted on account of these transactions. That is an interference, not only with the affairs of the university, but with the Crown, which, in my opinion, this House ought not to move in. Your Lordships ought certainly not to take such a step upon a subject of this description. If you were to take such a step with a view to a prosecution of the University of Oxford, and there should afterwards be an appeal to this House in consequence of such prosecution, I should like to know in what situation the noble Earl would stand in this House when such appeal came before it? Under these circumstances, I am quite sure your Lordships cannot adopt the motion on the grounds stated by the noble Earl. I cannot help thinking that the last part of the noble Earl's speech is almost an answer to the first; because, if the noble Earl contends, as stated by him in the latter part of his address, that the university has no right to alter these statutes, upon what ground, I should like to know, does the noble Earl blame the university for not having made the alterations which he is of opinion it ought to make in the statutes and conduct of the university, as stated by him in the commencement of his speech?

Before I sit down I trust I shall be able to show that the university has the power of altering its statutes; and on the part of that university I must say, that, for a long time, the convocation have had under their consideration the alterations which ought to be made in those statutes; that the work of alteration was commenced by them in the course of last term; and that they are proceeding with that work as fast as they can proceed with propriety, and at the same time with attention to the other duties they have to perform. Besides, I can tell the noble Earl, in answer to the first part of his speech, that in all the colleges in which it is in the power of the governing body,—whether assisted

by the visitors or not is not essential,—but that, in all those colleges where it is in the power of the governing body to make alterations in the statutes, they have those statutes under their consideration, with a view to make in them such alterations as may be considered just or requisite. They have had the subject under consideration during the few months that have elapsed since the close of last Session; and, at the expiration of a few months more, during which there will be comparatively much more leisure to devote to it, I hope I shall be able to inform the noble Earl that some progress has been made in the work of alteration. The noble Earl has entered into a long detail upon the subject of the statutes of the University of Oxford, in order to prove that the convocation of that university have not the power of altering those statutes. Now, I believe that there is no corporation in this kingdom which has had the power of making its statutes for a longer period than the University of Oxford. It is perfectly true that in the reign of Charles I. a revision of those statutes became necessary; that a commission was employed to revise and consider them; that they agreed upon what course they should adopt in the year 1634; and that in the year 1636,—and not immediately after, as stated by the noble Earl,—the King sent down a letter confirming those statutes, and containing the clause adverted to by the noble Earl, and which he contends has the effect of preventing any alteration in those statutes, although it creates expressly a power of enacting, interpreting, or altering statutes, but at the same time forbidding the exercise of that power in case the statutes were sanctioned or confirmed by Royal authority. The noble Earl pretends that these words referred to the whole code of statutes passed, as he has said, in 1634, and confirmed in 1636. But it is well known in the university that the prohibition of altering statutes extends solely to those statutes which have been sent down to the university by the King himself, which in fact have been made by the King, and which are directed to be carried into execution under very different circumstances, and in a very different form of words, from those statutes which form the subject of the code in general. This is a matter perfectly well understood in the university, which always has been understood and acted upon in the university, from the year 1630 up to the present time.

The noble Earl has stated that, in the year 1640, a statute was

passed respecting the establishing of an Arabic professorship by the Chancellor Archbishop Laud. But surely, if it were understood at that time that a statute could not be altered, abrogated, or interpreted, excepting with the consent of the King, Archbishop Laud would have asked His Majesty's consent to the enactment of this statute, passed at so early a period as 1640,—that is to say, within four years after the period at which those statutes were confirmed by His Majesty, and, as the noble Earl has said, under the great seal. It happens that the Caroline statutes were confirmed under the great seal; but the general code of statutes was not so confirmed. There is one general letter applying to the whole, which I hold to be under the great seal, though not in the same form as the Caroline statutes. There were other statutes subsequently passed, and by those who were perfectly well acquainted with the transactions of 1634 and 1636; but there never was heard expressed a doubt of the power of the University of Oxford to make alterations and promulgate statutes until a very late period, when the subject came under the consideration of Mr. Justice Blackstone and certain other judges in the year 1759. Mr. Justice Blackstone said that—

'The great corporate body of the university (which is a thing entirely distinct from our private eleemosynary collegiate foundations) has the same rights and powers, and is subject to the same regulations, as other bodies politic are. All corporations have an inherent and inseparable right (included by law in the very act of incorporating) to make bye-laws or statutes for their own domestic government, provided such bye-laws are not contrary to the charter of incorporation, or the general law of the land. . . . With respect to any prohibitions contained in the former statutes, it is certain that no corporation has power to make a statute or bye-law abridging the legislative power of their successors, who have the same right to *repeal* as the predecessor had to *enact*, any more than one Parliament in being can make an effectual Act to abridge the power of a future Parliament. Therefore any academical statute or bye-law which seems to assume such a power is either void in itself, or at least voidable, and subject to repeal by any subsequent academical legislation. "Et cum lex abrogatur, illud ipsum abrogatur, quo non eam abrogari oporteat."—Cic. ad Attic. III. 23.'

'The consequence,' he goes on, 'of these positions, pursued to their full extent, is clearly this,—that such a prohibition as is contained in Tit. x. sec. 2, § 2, against repealing former statutes, or explaining them, without licence from the Crown, is contrary to the first principles of law and reason, and therefore void; or, at least, is itself liable to be repealed in general, or suspended in

any particular instance. If it be contended that the Royal confirmation of June 3, 1836, made the whole body of statutes from that time unalterable, let it be considered that this confirmation was superadded at the request of the Chancellor, only (see the letters patent) two years after the publication of the statute of which the prohibitory clause is part, and therefore never could be referred to by the makers of that clause. And if successors cannot be precluded from their right of legislation by any act or consent of their predecessors, nor by any other means, unless by the authority of Parliament (which every lawyer will allow), much less can they be precluded by the mere voluntary supervenient act of the Crown, without the concurrence of the body.'

The Earl of RADNOR.—In what capacity was that opinion delivered by Mr. Justice Blackstone? Was it in a case of law?

THE DUKE OF WELLINGTON:

I am not able to inform the noble Earl. It has been put into my hand as the opinion of Mr. Justice Blackstone, and the noble Earl can refer to it himself. I have no doubt whatever the opinion was given; at all events, I rely upon it, and I believe it to be law, or, at least, the law upon which the university has been acting. I admit that, at the period when this opinion was given, there must have been some doubt with respect to the right of the university to alter or make their statutes; but, at the same time, there can be nothing more clear, nothing more reasonable, nothing more just, than the opinion to which I have referred, and upon which I rely as being the law of the case. I must say, that the noble Earl himself, the House, and the public generally, having called upon the universities, both of Oxford and Cambridge, to consider their statutes with a view to their alteration, and having before them such opinions as those of Mr. Justice Wilmot and other judges, it does appear rather extraordinary on the part of the noble Earl now to come forward and say that they have no right whatever to make any alteration in their statutes; that, obsolete though they may be,—inconvenient and unreasonable though they may be,—yet, that alter them they must not, because certain words in the Caroline statutes contain a prohibition against their alteration. The noble Earl, having made that assertion, then addressed your Lordships respecting a gentleman, in reference to whom I am anxious to say as little as possible. The late

King was advised to appoint that gentleman to be Regius Professor of Divinity in the University of Oxford. There can be no doubt that the general opinion of the university was, that that gentleman's theological tenets were not exactly orthodox or consistent with the articles of the Church of England,—an opinion which the publication of certain works by that gentleman has tended to establish.

Several persons in the university considered it their duty to petition His Majesty, praying, if the appointment had not been completed, that he would not make it. I believe that another address was presented to His Majesty, entreating His Majesty not to sanction that appointment, which, however, was made, contrary to the views of the university at large; and a short time afterwards Dr. Hampden thought right, in his inaugural lecture, to state that he then felt it his duty to explain the opinions which had been complained of. I do not pretend to be a judge either of those opinions or that explanation; but this I will venture to say, and I believe your Lordships will concur in the opinion, that, in proportion as Dr. Hampden found it necessary to give an explanation of his sentiments, in the same proportion were those justified who thought proper to disapprove of them. I believe it will be admitted that, if a clergyman who published certain opinions, not being orthodox, thought proper to come forward and explain those opinions, at least they who were opposed to such opinions had some justification, on their being repeated, for the course they had taken in disapproving of them. This is all I wish to say respecting the opinions and explanation of Dr. Hampden. His appointment having been made, notwithstanding the petition of a vast number of the clergy of Oxford, and the general opinion expressed there that it should not be made, a request was preferred to the heads of houses that they would propose some measure to the convocation which would have the effect of marking the disapprobation on the part of that body of the opinions and appointment of Dr. Hampden. The noble Earl has alluded to the act of convocation excluding Dr. Hampden from being one of those to appoint the select preachers, and also from sitting at the board of heresy. I am not disposed to say anything against Dr. Hampden; but this I must say, that, considering the whole transaction, my opinion is, the convocation did as little upon that occasion as it was possible to do, consistently with the neces-

sity which existed of taking some notice of that gentleman, his opinions and conduct. Since that period I really believe that the university, and the bishops of the Church of England, and all the persons who have any influence on this question, have done everything in their power to put it down and prevent it becoming a subject of discussion, even in the university or elsewhere. For myself, I can say I have invariably pursued that course, it being my object to prevent any discussion on the matter; and I never should have mentioned it, here or elsewhere, publicly, if the noble Earl had not forced it upon me on the present occasion. I certainly lament the transaction, principally because I consider it is likely to produce a schism in the Church; and I have been as anxious as any man can be in my situation to prevent the university from proceeding upon the subject in such a manner as may, by possibility, lead to that result.

The noble Earl adverted to the conduct of a gentleman who is now Vice-Chancellor of the university, and who has, in his capacity of head of a house, prohibited the attendance of the students in divinity upon the lectures of the Regius Professor. I do not at all pretend to be competent to mark the difference between the private and public lectures of the Regius Professor; but I certainly do not approve of the course taken by that gentleman. In my opinion, the question is not one to be considered by the head of a house; for, in fact, no ordination can be conferred by him or the Regius Professor of Divinity. Ordination can only be conferred by the bishops of the Church; and whether the students attend the lectures of the Regius Professor of Divinity, or those of the Margaret Professor, or of any other professor, I will say, it is the duty of the bishops of the Church to consider who are the persons coming for ordination, and whether they are qualified or not, without taking into consideration the certificates of the Regius Professor of Divinity, the head of a house, or any other individual. It is, I contend, the duty of the bishops to examine into the subject themselves, without reference to the certificate of any individual whatever. I must observe, however, with regard to the course adopted by the Vice-Chancellor, that I am thoroughly convinced, not only from what that gentleman has stated to me, but from my own knowledge of his conduct, and his character for candour and fairness, that he had the very wisest motives in pursuing that course from which he departed

as soon as he found that the bishops of the Church had determined upon observing a different line, conceiving that he was then relieved from all charge and responsibility in the situation which he held. Such is the history of that transaction; and I have only to say, with respect to that gentlemen, and with respect to others of the University of Oxford, that it was their anxious wish and desire to avoid taking any step in reference to Dr. Hampden, lest it should in any manner whatever lead to what they would consider the greatest possible misfortune—a schism in the Church.

I think I have answered the greater part of what has fallen from the noble Earl. He thought proper at the end of his address to read a letter, and likewise an extract from a magazine, neither of which I can assure the noble Earl I ever heard of. It is impossible for me to say whether I concur or not in the opinions they contain; but, if I conceived they were at all of the nature which the noble Earl has described, they certainly could not be more abhorred by him than by me. Without meaning any disrespect to the noble Earl, I think the proper course for the House to pursue will be to reject the motion.

Motion withdrawn.

January 16, 1838.

AFFAIRS OF CANADA.

Lord GLENELG having presented copies or extracts of correspondence relative to the affairs of Lower Canada,

Lord BROUGHAM suggested that the best course of proceeding would be for his noble friend to give notice of his intention to bring the subject forward, and then to call on the House to agree to any measure he might deem necessary to propose at the earliest possible moment.

Viscount MELBOURNE concurred in this view.

THE DUKE OF WELLINGTON said:

My Lords, I am very desirous to know what will be the nature of the proceedings which will be recommended by the Government at the next meeting of the House. I confess that I have a very strong opinion on this subject. It is my belief that the course of proceeding by way of an address from this House and the other House, in the first instance, is not the regular course. It is my opinion that, as a case of war has been made out, hostilities having been already committed, the authority for

our proceeding ought to be a message from Her Majesty, and in answer to that the House should present a humble address to the Throne containing the sentiments of your Lordships on the subject. That is, in my opinion, the most natural course, and I feel the more anxious about it, because I believe that such a course of proceeding would be most likely to put a speedy and successful termination to the unfortunate state of affairs between this country and the colony to which these proceedings relate. My opinion is, that Her Majesty and Her Majesty's Government ought to speak out on this subject, and that we, the Houses of Parliament, and the country, ought to understand on what ground Her Majesty and the Government intend to stand on the question with relation to this country and Canada; for the sooner that is understood the better, and the more speedy will be the termination of this unfortunate business. I have no doubt whatever that, before long, Her Majesty's Government will be under the necessity of calling upon Parliament to support Her Majesty in these transactions, and I hope they will call upon Parliament to do so in such a manner as that Parliament will be enabled to pledge itself to support Her Majesty in these transactions; and that the preparations for bringing them to a conclusion will be made on such a scale as to render it quite certain that they will be brought to a conclusion at the earliest possible period after the season opens. If this be the case, it is my determination to support Her Majesty's Government, and to persuade others to do so, in carrying these proceedings to a speedy termination. But, my Lords, I intreat you, and I intreat the Government, not to forget that a great country like this can have no such thing as a little war. They must understand that, if they enter on these operations, they must do it on such a scale, and in such a manner, and with such determination as to the final object, as to make it quite certain that those operations will succeed, and that at the very earliest possible period after the season opens. The question which I wish to put to the noble Lord is as to the precise nature of the motion he intends to propose on Thursday. In putting that question, I have thought it proper to open my mind on the subject, and to say what course I think the Government ought to adopt,—which course in my opinion ought to have been adopted before.

Papers ordered to be printed.

January 18, 1838.

Lord GLENELG moved a humble address to Her Majesty, relative to the affairs of Canada.

Lord BROUGHAM, in an elaborate address, traced the disastrous state of Canadian affairs to the ill-fated resolutions sent up by the Commons, and severely condemned the conduct of the Colonial Minister.

THE DUKE OF WELLINGTON said:

My Lords, though I am disposed to support the present address, it was not my intention to have offered any observations to your Lordships upon the present occasion, but, after the remarks of other noble Lords, I must say a few words. I certainly still feel strongly, my Lords, that the subject has not been brought before Parliament in the form which it ought to have been. I object to the present method of proceeding, not merely on the ground of form, but also on the ground of the substance of the measure itself. I say, my Lords, that the Sovereign ought to originate any measure which relates to war; and I was particularly anxious that the measure should originate in a message from the Crown, on the very grounds and for the very reasons which have been so ably referred to by the noble Viscount in the last moments of his address to your Lordships. I was anxious that Her Majesty should declare herself positively on this subject, in order that there might be no doubt in this country, or throughout Europe, of the determination of Her Majesty to assert her right of sovereignty; that the Government should expressly declare its feelings on this subject; and that the country should understand that the sovereignty of the Crown will be maintained at all events. I was the more anxious upon this subject, my Lords, because, in the different discussions upon this subject, more than one Minister of the Crown has stated that the measures about to be adopted are not to be promoted with the view of supporting the authority of the Crown, not with the view of vindicating the law, but to protect a party in the colonies which has adhered to and supported Her Majesty's Government. I cannot think, my Lords, that this is the proper ground to take; but I conceive that, for the sake of Her Majesty, for the sake of the public interest, and for the sake of the colonies themselves, we ought to have assumed the highest ground. I am quite satisfied, however, with the explanation of the noble Viscount on this part of the subject, and I state my feelings now, not with the view of casting blame, for

I am sure that, if the noble Viscount had adverted to the considerations which I have advanced, he would have adopted another course more consistent with every precedent relating to America, relating to Ireland, and to every other part of the empire. In respect to the Address itself I must observe that, though to some parts I give my full acquiescence, yet I must beg leave to guard myself against making myself a party to any portion of the transactions, either with respect to the suspension of the constitution of 1791, or to any other specific portion, till I see the measure which the noble Viscount means to bring forward. I have, my Lords, thoroughly considered this question, for I had the misfortune to differ from many other noble Lords, and was almost the only individual who in 1831 voted against the propositions of my noble friend near me, then the Secretary of the Colonies (Earl of Ripon). I believe that another noble Lord also opposed the Bill, but I only signed a protest against it because I thought then, as I think still, that it was a most unfortunate measure. My opinion at that time was, that the Bill ought to have contained a clause providing for its repeal in case provision were not made by the House of Assembly in Canada for granting the civil list, and if provision were not made by them to enable the King to maintain a civil Government, and I believe that the omission of this clause is the cause of all that has happened from that time to the present. I differ entirely from the noble and learned Lord in thinking that the Act of 1831 established the British constitution in Canada, for it is not consistent with the British Government to leave the civil government of the country, and especially to leave the judges of the land, to be provided for by an annual vote of the Parliament. I say, my Lords, that the British constitution for the last 150 years, at least, had made full provision for the administration of the civil government, and most particularly for the independence of the judges, and I maintain, therefore, that the Act of 1831 did not establish the British constitution in those colonies, but something quite distinct, for it gave to the people what was considered a popular right, but which was not in fact a right, being quite foreign to the genius of the constitution of this country. It enabled a small party to raise the people against the Government, thinking to overthrow it by getting the inhabitants to stand by them, and it has ended in a few individuals inducing the people openly to oppose Her Majesty's troops, and by the same individuals running

off to the neighbouring territories of the United States as soon as they found that their own persons were exposed to danger. Such turned out to be the real state of the case, for the would-be leaders left the unfortunate people in a state of rebellion against Her Majesty's Government, and ran off themselves, letting the unlucky inhabitants return to their houses as best they could, and forcing them to submit with the best grace to the mercy of Her Majesty's Government. I warned the noble Lord against endangering the establishments of the country, by giving anything like an authority to a popular assembly to withhold the funds necessary for carrying on the civil government, for nothing is more necessary to a country than to uphold the civil power, and the independence, as well pecuniary as political, of the judges of the land. And let noble Lords learn from the events in Canada, and our other dominions in North America, what it is to hold forth what are called popular rights, but which are not popular rights either here or elsewhere, and what occasion is thereby given to the perpetuation of a system of agitation which ends in insurrection and rebellion, and coming to blows with Her Majesty's troops. It is not my intention to follow the noble and learned Lord, or the noble Viscount, through a long discussion as to the contents of the papers now on your Lordship's table. I certainly have learned from a perusal of these papers that the noble Lords opposite had not thought it proper to send a reinforcement to the troops in Canada in the course of the last summer, and I must do the noble Lords the justice to say that I cannot blame them for not having taken more active measures, for I happen to know several persons, and particularly officers, well acquainted with the provinces, and who have been concerned in their government, and I may safely assert in my place in Parliament, that I have received the opinions of those officers that there was not the smallest reason to apprehend anything like insurrection in Lower Canada. I do not doubt that Her Majesty's Government may have received the same information, and Lord Gosford, in his despatches, admits that he did not fear an insurrection up to a very late period, and I may add that I believe the same opinion to have been entertained by the general commanding in chief in that colony. But at the same time I must say that, although I can impute no blame to the noble Lords for not having sent out more troops to Canada at an earlier period of the year, yet it does appear that, at one period of the year, I think

in March, the Secretary of State for the Colonies thought it right to authorize the Governor of Canada, and the General Commanding in Chief, to send to Nova Scotia and New Brunswick, and move the troops from those places into Canada, and I cannot understand why the noble Lord, when he gave those instructions, especially if he thought that they would be carried into execution, did not despatch fresh troops to Nova Scotia and New Brunswick to fill up the vacancies which would have been occasioned if Lord Gosford or Sir John Colborne had called for the troops already there. I do not, therefore, think that the non-sending out of troops to the Canadas is the most pressing point of the case, but I conceive that the point which does most press is the non-sending out of troops to Nova Scotia and New Brunswick to supply the vacancies there. One consequence would have been that all those colonies would have remained amply provided with troops, but another and still more important consequence would have been that the world would have seen, and this country especially would have been convinced of, the determination of Her Majesty's Government to maintain the ground which they had taken in the resolutions of last year relative to Lower Canada—that they were determined to maintain the dominion of this country, to support those who were willing to support us, to preserve inviolate the authority of the Government, and to uphold the due execution of the law. I will not advert to what has been said by a noble Lord in the course of this evening in respect to the separation of the Canadian colonies from this country. The answer which has been given by the noble Viscount upon that subject is quite satisfactory to me. I will, however, allude, in one word only, to that part of the noble Lord's speech. I confess, my Lords, that I have a feeling for the honor of my country, and I cannot but believe that, if by any misfortune we should fail in restoring peace in Lower Canada at an early period of time, we shall receive a blow in respect to our military character, to our reputation, and to our honor, from which it will require years for us to recover. My Lords, there is one topic which has been adverted to by the noble and learned Lord (Lord Brougham), upon which I think it necessary to say one word, although it is not adverted to in the address, and will more properly form the subject of discussion on the Bill which is to be brought in upon some future day, and that is the establishment in Lower Canada of an elective

legislative council. The noble and learned Lord, with his knowledge of Lower Canada, has not, in my opinion, sufficiently adverted to the fact of the difference of the two races of inhabitants in that country. My Lords, it may be easy to talk here of establishing an elective council, but, if the noble and learned Lord will look into the discussions which have taken place upon that subject, and to the opinions that have been delivered upon it by the different parties in that country, he will find that the British inhabitants are to the full as much opposed to that arrangement as the French are in favor of it; he will find that in point of fact they would be in a state of insurrection against that arrangement, in the same degree as the French are now supposed to be in a state of insurrection in favor of an elective legislative council. I will likewise beg the noble and learned Lord, and I would intreat the noble Viscount opposite, and every member of Her Majesty's Government, to attend to this fact, that an elective legislative council is not the constitution of the British monarchy; that a legislative council, appointed by the monarch, is the constitution of this country, that it is so stated in the discussions upon the Bill passed in the year 1791 by all the great authorities who discussed that measure, amongst others by Mr. Fox himself. Mr. Fox states that a legislative council, appointed by the monarch, is an essential part of the British constitution. Under these circumstances I intreat the noble Viscount, and every noble Lord, not to lose sight of that fact in the arrangement which they may be prepared to adopt. Let them not flatter themselves that they will satisfy all the inhabitants of Lower Canada by admitting the principle proposed by the French inhabitants of that colony, and most strongly urged by the noble and learned Lord in the course of the present discussion. My Lords, it has been my wish to avoid making any remarks upon any of the subjects which are likely to become matters of discussion upon the Bill to be introduced on a future occasion. I have adverted only to what I considered to have been the most prominent parts of the noble and learned Lord's speech. I wish, my Lords, to support the address, and certainly to support the Government in any measure they may think proper to adopt, in respect and in consequence of this address, in order to bring the contest which has now commenced between this country and Lower Canada to a speedy termination, and to effect an honorable and a firm settlement of this unfortunate question.

Motion agreed to.

February 2, 1838.

CANADA GOVERNMENT BILL.

Lord GLENELG moved the second reading of the Canada Government Bill.

The Earl of ABERDEEN supported the measure.

Lord BROUGHAM opposed the Bill, and called upon the House to retrace their steps, and to do justice to the Canadians.

Viscount MELBOURNE supported the Bill.

THE DUKE OF WELLINGTON said:

My Lords, it is my wish to avoid as much as possible any reference to what has passed heretofore; and I will only refer to that part of my noble friend's speech which related to the mission of Lord Amherst. I concur with my noble friend (Melbourne) in thinking, that if Lord Amherst's mission had been allowed to go on, or if a similar mission had been sent out under the auspices of another person, and under another Government, to carry into execution those measures in 1835, which were only inquired into in 1835 and 1836, and which were not in fact in a state to be carried into execution until 1837, that there was at least a chance that these measures and arrangements would have had some success in preventing what has happened. The noble Viscount has stated that the election of a Legislative Council, and the election of an Executive Council, would still have been insisted on; and I admit that, if these objects had been insisted on by the Legislative Assembly of Canada, they must have been resisted by this country; but, at all events, there was a chance, and I must say—and in this I concur with the noble and learned Lord (Brougham) and the noble Baron (Glenelg) who began the debate—that the inquiry of the last commissioners—considering what had passed before—was, to say the least of it, utterly useless. The measure now under discussion is applicable solely to Lower Canada; and I must observe, on what has been stated by the noble and learned Lord in respect to the necessity of defining the degree to which such a province as Upper or Lower Canada might offend before such a measure should be adopted, that there is a clear distinction to be drawn between the cases of Upper and of Lower Canada. It is true that rebellion has broken out in both; but it must be observed that the Legislature of Upper Canada have not refused to provide the means of administering the civil government—the Legislature of Upper Canada have not refused to supply the means

of administering justice; they have not insisted on a revolution of government, and on rendering the Legislative Council elective —they have not insisted on rendering the Executive Council elective, and responsible to their Legislative Council—and they have not refused the supplies to Her Majesty's Government, in order to force upon them the adoption of those measures. At the same time, I must observe that those measures were not thought of by the Assembly of Lower Canada until after the Act of 1831 placed the money at their disposal—they never thought of an elective Legislative Council or of an elective Executive Council until the Act passed which left the money to defray the expense of the civil government at their disposal; and then they made their demands, and told us that, unless we destroyed the constitution under which we claimed to hold those provinces, namely, the Act of 1791,—that unless we repealed a great portion of that Act, and gave them possession, not only of the money, but of the government, by means of an elective Executive Council, to be responsible to the Legislative Assembly of Lower Canada,—they would not give us the power of carrying on the civil government, and of administering justice to the Queen's subjects in Canada.

My Lords, this conduct of the House of Assembly in the Lower province makes the great distinction between them and Upper Canada. But this is not all. A great number of the Members of the Legislative Assembly, and even some of the Legislative Council of Lower Canada, were concerned in this rebellion; some of them were leaders; some have been killed, others made prisoners, and others escaped to the United States, and now stand proclaimed as rebels and traitors, having fled thither from justice; and these facts constitute another distinction between the cases of Upper and Lower Canada. There may be one or two persons placed in such circumstances and in relation to the rebellion in Upper Canada; but for every one in that province, there are, at least, thirty, forty, or fifty such in Lower Canada. Under these circumstances there is a strong distinction between the two provinces; and therefore this Bill has, in my opinion, with justice and propriety, been made applicable only to Lower Canada, and not to Upper Canada. The noble and learned Lord has adverted to the complaints made of the conduct of the Assembly of Lower Canada in using their privileges,—and to which the noble and learned Lord alluded in strong terms,—the

privilege of refusing the supplies. He has said that they were told, 'You shall have certain privileges—you shall have the money at your disposal—you shall have the power of refusing money—but you shall forfeit your constitution if you endeavor to enforce your privileges.' I am the last person who ought to feel himself under the necessity of answering that argument, or of qualifying the use of it. I opposed, and protested against, the Act of 1831. It was stated at the time, and has been repeated since, and there is every reason to believe, from the assurances of persons who prevailed upon the Government to pass that measure, and of those who were examined before the committee in 1828, that, if that measure of 1831 passed into law, measures would be adopted to ensure the Crown a competent Civil List, and ample supplies for carrying on the civil government and for the administration of justice in the colony. Having made this engagement, the Legislature of Lower Canada, nevertheless, turned round, and called upon us to destroy the constitution which had been given in 1791. We are told that we have forfeited all claim to payment of a civil government and of the administration of justice in the province, and that the refusal of the demands of such province is a justifiable exercise of constitutional privilege. I cannot consider it the privilege of any men to destroy the foundations of the society which they are deputed to govern. There is evidently a clear distinction between Upper and Lower Canada; and I think there was no ground whatever for any definition (such as has been maintained by the noble and learned Lord) of the amount of offence in any province before they shall lose their constitution. It is quite clear that it is impossible to call together the Legislative Assembly of Lower Canada to carry into execution any measures which it may be expedient, hereafter, for the Government to propose with respect to that province. In order to carry into execution the provisions of the present Bill, and in order that an investigation may be instituted with regard to the measures which it may be necessary to adopt as the basis of the future government of Canada, Her Majesty's Ministers have selected a nobleman who is to proceed to that country with certain instructions. Your Lordships have before you a paper containing those instructions, and, though it is not my intention to advert to them at any length, yet I must be permitted shortly to notice the principle on which they are founded.

As I have before stated, the Bill exclusively refers to Lower Canada; but the instructions affect the government, not only of Lower Canada, but of Upper Canada also. In respect to Lower Canada, the Governor-General is directed to summon, for the purpose of advising on measures for the government of the Lower province, not the Legislative Council of that province, but certain persons from the Upper province, some of whom are to be selected from the Legislative Assembly of Upper Canada. But this is not all. It is proposed, also, for the purpose of forming a new constitution for Lower Canada, that there shall be, not only this detachment from the Legislature of Upper Canada, but also a body, consisting of ten persons, selected by five districts in Lower Canada, who are to act with the Governor, both as a council of advice and as an executive council. So that it appears that Her Majesty's Government has been disputing for years, rightly and justly, in my opinion, on the claim made by the House of Assembly of Lower Canada for an elective Legislative Council, and, after all, the new Governor is to go out with instructions to form a council of persons elected in part by the Assembly of Upper Canada (which, as regards the Lower province, is to all intents and purposes a foreign nation), in part, by five districts in Lower Canada, and, in part, by the Governor. I certainly think the noble Lord opposite is justified in not including Upper Canada in the provisions of the Bill; but I should like to know what that province has done to induce the noble Lords to deprive the Legislature of the Upper province of their power to legislate on the subject referred to in the instructions? Why is not the Legislature of Upper Canada to be allowed to express an opinion of the grievances affecting that province? Are all these matters to be settled by the new council of advice? Suppose the Assembly of the Upper province to refuse to nominate any members to the proposed Council. I should say, if these subjects are to be taken into the consideration of the Legislatures of the two provinces, let the Legislature of the Upper province legislate on them when it next assembles; and, in the mean time, till the Legislature of the Lower province can be assembled, let the noble Earl who is to go out as Governor-General take them into consideration. But I would recommend that this description of convention should not be formed, for which there is no authority, and which in point of fact constitutes an usurpation on the part

of the Government of this country on the rights of Upper Canada. It appears to me that the proposition to which I advert has been made, as indeed the noble Viscount opposite admits, with the view of inducing people to believe that there is to be something like a convention for the formation of a constitution in Lower Canada.

It is stated in the preamble of the Bill clearly enough, that the suspension of the constitution is merely a temporary measure, and that a constitutional form of Government will be re-established as soon as circumstances will permit; consequently, there exists no necessity for the summoning of a convention such as I have described, which is absolutely inconsistent with the relative position of this country and its colonies, and with the principles on which the Legislatures of the two provinces were founded and have existed since 1791. Nothing is clearer than that the measure of 1791 was founded on the right of this country to give a constitution to those two provinces. That principle was admitted in discussion by all parties at the time, and I assert that that right has never been forfeited, and that it exists in the same force at the present moment as it did in 1791. I therefore again say that there is no necessity for calling together a convention in order to establish constitutional governments in these provinces. I am of opinion that the words originally in the preamble of the Bill, but which were struck out by the House of Commons, and the terms of the instructions to the noble Earl who is to govern Canada, are calculated to throw a false light over the subject, and to mislead. Does any noble Lord believe that the decisions of such a convention would give stability to a new constitution, or that the people would not get tired of a constitution proceeding from such a source, just as they would if it had not received the sanction of a convention? The noble Viscount has disputed the correctness of the calculations which were made of the benefit likely to have resulted from Lord Amherst's mission to Canada in 1835. I think that there can be no doubt that that noble Lord's mission would have been followed by more advantageous consequences than are likely to flow from the appointment of this convention. I repeat that it will be a gross usurpation to attempt to act on the instructions as far as Upper Canada is concerned. I should be exceedingly sorry if the noble Earl who is appointed to govern these provinces, and to effect an arrangement of the questions pending between Upper and Lower Canada, should attempt, or

if Ministers should attempt, to carry their measures into execution without being thoroughly informed of the opinions of the leading men in the Canadas, as to the system of government which would tend most to promote the prosperity and happiness of the country. No one can be more anxious than I am that all these points should be ascertained as they ought to be by the fullest communication with all classes of men, though I object to any attempt to ascertain them by means of a convention, which I again assert is inconsistent with the practice of this country in its relations with its colonies.

I now come to a subject on which a good deal has been said by the noble and learned Lord opposite—I mean, the question of making the Legislative Council in Lower Canada elective. In my opinion, the noble and learned Lord has not stated with accuracy the distinction in the relations between the executive and the legislative power of a colony, and the executive power and the Houses of Parliament of this country. The noble and learned Lord seems to think that the governor of a colony can, without the smallest difficulty or inconvenience, refuse his assent to the Acts of the Legislature. With regard to the Canadas, bills are occasionally passed referable to the relations with foreign states—to the relations between the two provinces of Upper and Lower Canada, and affecting questions of commercial interest, and of communications by means of the river St. Lawrence. These are bills from which the Governor of Lower Canada might find it extremely inconvenient to withhold his sanction; and yet they might be vital to the interests of Upper Canada, and, if passed into law, might tend to the greatest possible inconvenience. But there is a large British population in Lower Canada which requires a certain protection, and which protection they receive under existing circumstances only by means of the Legislative Council nominated by the Crown; for they have no influence in the popular elections of the provinces, and none in the Legislative Assembly. If the Legislative Council were to be constituted in a different manner—if they were to be elective,—the British population would be thrown under the dominion of the House of Assembly, which is returned by the French Canadians, and in both provinces the English population would consider themselves exceedingly aggrieved, and the Ministers of this country would find great difficulty in carrying on the government of those provinces. I

earnestly entreat your Lordships to take all these matters into your consideration, and to form for both the provinces of Canada as good a government as can possibly be devised,—to form one on the principles of the British constitution,—to secure, above all, the funds for the administration of the civil government and of justice,—and in every respect to render the administration of affairs as cheap as possible, consistently with the attainment of these objects, for by no other means can tranquillity or peace be secured to them.

I entirely agree with what has been stated by the noble Viscount as to the military operations that have taken place. I believe, from what I have heard and read, that both the rebellions in Lower and Upper Canada were forced on prematurely,—the one nearly a month, and the other nineteen or twenty days, before it was intended that they should break out. I have no doubt that that in the Upper province broke out nineteen or twenty days before the period fixed for the outbreak; and under the peculiar circumstances, and knowing what was about to be attempted, as a matter of prudence Sir Francis Head might as well have kept his troops in the Upper province, as have sent them away. With respect to another point which has been alluded to, I have already stated to the House that I have been informed by military officers of their opinion that there was no chance of an outbreak in Lower Canada. I have heard very lately, and I have reason to believe, that such was the opinion of the general officer commanding Her Majesty's troops in Lower Canada up to the month of October last. But this is a political question, with respect to which I do not lay claim to have formed a judgment better worth attention than that of any other individual. I place confidence in the judgment of those who informed me of the state of Canada; and I, before the rebellion took place, expressed an opinion that there was no chance of an insurrection breaking out in those provinces. At the same time, I must say that, previous to the 20th of November last, I heard that the commanding officer in Lower Canada had made arrangements which looked as if he expected that a rebellion would break out, and I was very much surprised to find that an Honorable Gentleman in another place, in the debate on the address, alluded to those arrangements, and asked Her Majesty's Ministers how they meant to pass the winter? This clearly shows that there must have been a communication between this country

and those in a state of disaffection in Lower Canada. The rebellion may now perhaps be quelled; but I entreat Ministers not to suppose that their difficulties are entirely removed. I entreat them to proceed with their preparations, and to assemble in Canada, at the earliest possible period, the largest force the resources of this country will admit of. I repeat, that there can be for this country no such thing as a little war, and I beg the noble Lord to observe, that since the 22nd of December, the first day on which intelligence of the unfortunate transactions in Canada was received, no fewer than four important events have occurred, each of which is calculated to excite the deepest attention of the Government. There was a renewed discussion of the boundary of Maine; one of the boundary of the river Columbia; one relating to Hants; and one relating to Mexico. I know, from accounts to which the noble Viscount has referred, that the President of the United States has desired additional powers, in order to prevent hostilities on the part of the citizens of those states against Upper Canada, and that he has sent an officer (General Scott) to the frontiers of Canada to examine the state of things on the American side, with the view to the more effectual prevention of the threatened hostilities. It has been seen that, within a very short space, points have been raised relating to the question of the boundary of the state of Maine to that of the river Columbia, to that of Texas, to that of Mexico, besides other important subjects, and I have no doubt that, in proportion as the present difficulties in the Canadas are overcome or disappear, other questions will arise, which will require the most vigilant attention on the part of the Government of this country. The Government must, therefore, I repeat, not look upon this as a small affair. They should consider, and I entreat them to do so, that, in proportion as they are strong in Canada, they will have the countenance and support of many in the United States, who will otherwise be against them, even though, in taking that course, they act against their consciences. Let us then, I repeat, not think the present a small affair, or that hostilities may cease and the resistance to the Government be at an end. The affairs of Canada can never be brought to a satisfactory termination without the maintenance there, for a time, of such a force as I have described.

February 15, 1838.

GLASGOW COTTON-SPINNERS—TRADE COMBINATIONS.

Lord BROUGHAM presented a petition in favour of the Glasgow Cotton-spinners recently convicted for combination.

Viscount MELBOURNE deprecated the noble and learned Lord's interposition, as calculated to encourage the perverse conduct of the misguided operatives.

After some observations from Lord BROUGHAM, in vindication of his conduct,

THE DUKE OF WELLINGTON said:

I rise to state my satisfaction that this subject has been taken into discussion in another place, and that a committee has been appointed to consider the combination laws in general. I cannot help expressing myself rejoiced that this subject has come thus early under the consideration of Parliament, because I believe that there is no grievance existing in any country which equals the extent of abuses that are carrying on in all parts of this United, and hitherto called civilized, Kingdom—that equal the abuses and oppressions that are inflicted on the laboring classes by this system of combination. I really believe, from the accounts I have seen, that there is scarcely any individual who is dependent on his labor for subsistence, and that there is hardly any one who employs him, who has not reason to complain of these combinations. Under these circumstances, I earnestly entreat the noble Lords opposite, who hold the government of the country in their hands, to be so kind as to turn their early attention to this subject; to consider well what may appear in evidence before the House of Commons; and to propose to Parliament measures to put down a system of combination throughout the country which has been carried to an extent that is quite horrible, and to bring back the laws to the state in which they ought to be in every part of the empire.

February 19, 1838.

NEGRO EMANCIPATION.

Lord BROUGHAM, in one of his leading speeches, moved a series of resolutions on the subject of Slavery and the Slave Trade.

Lord GLENELG opposed the resolutions.

THE DUKE OF WELLINGTON said:

I have paid the greatest attention to the statement made by the noble and learned Lord, as well upon the former evening as upon the present occasion, with respect to this subject. Although I cannot come to the same conclusion with the noble and learned Lord as to the resolutions which he has this evening proposed to your Lordships, I nevertheless concur with him in the objects which he has in view. I have listened with the greatest attention to the statement which has just been made to your Lordships by the noble Baron opposite; and I agree with him that, from the period at which the Bill for the abolition of the slave-trade was enacted, the greatest efforts have been made by all the successive Governments of this country, and more particularly by every Government since the year 1814, in order to carry that abolition into execution. I have myself been employed as the Minister for England at the different congresses with foreign powers which have taken place since the year 1815, at all of which I co-operated with my noble friend the late Lord Castlereagh, in order to carry into execution all the measures which had been adopted in this matter by the British Parliament. I also agree with the noble Baron in respect to all those details into which he has entered at so much length; but unfortunately it happens that we have had the strongest prejudices to contend with, both as regards our own subjects and as regards the Governments of our allies; and until the years 1819, 1820, 1821, and even a later period, no great progress was made in negotiating treaties with us to carry the abolition of the slave-trade into effect. At the same time I must observe that, at the Congress of Vienna, a declaration was agreed to by all the great Powers of Europe who were concerned in the events of that period, expressive of the abhorrence which they felt at the atrocity of this traffic, and of their desire to co-operate with England in putting a stop to it at once and for ever. I likewise concur with the noble and learned lord in the statement which he has made as to the horrors by means of which this trade is carried on, and with which it is attended in all its stages. With respect of casting the negroes into the sea, having on them irons and chains, I know, and I have been authorised to state, and I did state to one of the congresses which I have attended, that those unfortunate persons have been on many occasions confined in casks with their irons upon them; that numbers of these casks have been cast

into the sea, and that those casks have been seen floating past the vessels which were in pursuit of the slave-ships. I also proved, to the satisfaction of that congress, that no fewer than from 60,000 to 80,000 persons were exported from the shores of Africa to those of America and the neighboring islands every year. That point, I repeat, I proved beyond all dispute before one of the congresses which I had the honor of attending on behalf of this country.

Under such circumstances, I shall be happy to concur in any measure which may tend to put an end entirely to this traffic. I am very much afraid, however, that the measure now proposed by the noble and learned Lord is not exactly calculated to produce the effect which he anticipates from it. The proposition of the noble and learned Lord is, that your Lordships shall present an Address to Her Majesty, in order to procure the concurrence of the United States, of France, and of Spain, in having this trade declared piracy. Now it really is necessary, when this House appears before Her Majesty, and proposes to her, by a solemn Address, to interfere with the Governments of foreign Powers for any given object, that that object shall be accurately defined, and that there shall be no doubt as to the meaning which your Lordships have in view, and which it is your intention to convey to foreign Powers. I beg therefore to know what is the meaning of the word 'piracy,' and especially what is the meaning of it, as attached to the slave-trade, in this country? I beg to know what is the meaning which this country and which your Lordships attach to the crime of piracy, of which the punishment is to be inflicted on the subjects of this country in foreign countries—in France, in Spain, in Portugal, in the United States. I beg also to know what is the punishment which it is supposed that those countries will allow to be inflicted on their subjects here, if they should happen to be convicted in any of our courts of that crime? These are questions which I think your Lordships should be able clearly to answer and define before you vote an Address to Her Majesty calling upon her to propose to other Powers to concur with her in declaring this crime to be piracy. As the noble Baron opposite has stated, there has been an alteration made in our relations as to this crime. It is now punished by transportation for life, whilst last year sentence of death was passed upon the offender? I should like therefore to know what is the punishment of piracy in other countries?

What is it in France, in the United States, in Spain, and in Portugal? In the legislation of those countries does it agree with our punishment, either as it stood last year or as it stands now? All these are points on which it is necessary that the House should have a clear understanding, and that it should explain its understanding clearly before it concurs in a vote like this, for entering into negotiations with foreign Powers on the subject.

I will now advert to the first resolution moved by the noble and learned Lord, in respect to the rewards to be given to the captors for the capture of slaves, or rather of vessels engaged in the slave-trade. This is a question on which I think that your Lordships should carefully avoid originating any opinion. It is a question which belongs especially to the Executive Government, and ought to be settled by Her Majesty, with the advice of the Lords of the Admiralty. It is a question, too, which has reference to the disposal of money, on which it is, in my opinion, desirable that the House of Lords should not originate any resolution. With respect to the second resolution of the noble and learned Lord on this question—namely, that of issuing letters of marque to enable private individuals to employ steam-vessels to capture slave-ships—I think that the argument of the noble Baron opposite is perfectly unanswerable. According to our treaties with all foreign Powers, especially France, it will be impossible for us to authorise such vessels to be employed in such a service. Each of the parties carrying letters of marque must convey an order from the commanding officer of the vessel to which he is attached, and also from Her Majesty's Admiralty, and not only from Her Majesty's Admiralty, but also from the Admiralty of France, before he can move from under the guns of the vessel to which he is attached. I do not know what answer the noble and learned Lord can give to the objection of the noble Baron, but at all events the issue of letters of marque appears to me to be the application of a system of war to a transaction which does not bear it, and which cannot bear it, considering the nature of our treaties with different foreign Powers. Under these circumstances, I think that your Lordships will not and ought not to recommend Her Majesty to adopt this resolution of the noble and learned Lord. In respect to the five last resolutions, I confess that it is with the greatest pain that I have heard the speeches both of the noble and learned Lord and of the noble Baron opposite. I was in hopes that, after the noble Baron had

found himself under the necessity of proposing to your Lordships the enactment of a law to carry into execution the Slavery Abolition Act, the colonial Assemblies generally, and most particularly the colonial Assembly of Jamaica, would have proceeded frankly to carry into execution all the measures which are necessary to deal fairly with the apprentices and with this country, which has advanced so large a sum of money to give compensation for the injury which has been done to them and their property. I confess that I was happy to hear the noble Baron state his intention of proposing to Parliament a measure which will enable the Government to see that these arrangements are strictly carried into execution, because, as such is his intention, your Lordships will not be under the necessity of passing these resolutions to effect the same object. I confess that I should be very unwilling to vote for the motion of the noble and learned Lord, instead of having it in prospect, as I now have, to vote for the Bill which I understand is to be proposed by Government with a similar view. It appears to me that it does not become the House to pledge itself to resolutions bearing a legislative enactment on their face, when it is told by the Government to wait till a Bill containing the same enactments shall be brought before it. I agree with what the noble Baron has stated respecting the Slavery Abolition Act. I conceive, like the noble Baron, that Parliament has interfered for the benefit, not only of the slaves who have been declared free, and have been converted into apprentices for a certain number of years, but also of the planters and landholders in the West Indies. I cannot, however, agree that, because the colonial Assemblies have not done all that they ought to have done to carry the provisions of the Imperial Parliament into execution, and because in some respects those provisions have not produced all the benefit which we expected—I cannot agree, however, that after the 1st of August, 1838, all these apprentices ought to be declared free. I do not think that that is a fair mode of proceeding. I cannot consent to do it by resolution, if it is to be done at all; nor can I concur with these resolutions now, if they are hereafter to be submitted to the House in the shape of a Bill. Under these circumstances, I shall really feel myself compelled to vote against the motion of the noble and learned Lord, if he continues to propose it to the notice of the House.

Resolutions negatived.

February 23, 1838.

THE BALLOT.

Viscount MELBOURNE, on presenting a petition, said that the gentleman who had transmitted it to him, from Neath, informed him that the subscribers had all been converted to the ballot, by the reckless and unscrupulous manner in which the wealthier classes had of late years interfered in elections.

THE DUKE OF WELLINGTON said:

I should not have felt it necessary to say one word on this subject, had not the noble Viscount, in alluding to the letter of the gentleman who sent him the petition, thought proper to cast on one particular party the blame of adopting those measures which the noble Viscount so much deprecated. Now I firmly believe that the consequence of certain transactions of recent years has been to render the possession of political power by individuals in different parts of the country, I may say in all parts of the country, infinitely more desirable than it was before. Corporations have acquired great interests, individuals have acquired great influence, and there is no doubt that all those interests and all that influence have been exerted to obtain political power. That is a fact which passes under the notice of us all, and cannot be denied. I do not impute anything to the noble Viscount, or to any other person; but I must say that, with respect to official influence, with respect to the exercise of influence of every description, we have within the last seven years gone back a full century. I can say, upon my honor, that things are not now as I recollect them in my time, nor even as they were ten years ago. The noble Lord tells us that noble Lords and gentlemen of property exercise their influence over their tenants in an improper manner. I declare that I know of no such thing. I have heard a great deal about the exercise of influence of another description. I have heard a great deal of evidence which shows that priestly influence, that the exercise of intimidation, and that the getting up of riots, exist in almost every part of a neighboring country; but as to any improper influence being exercised by individuals over their tenants and tradesmen, I declare that I know of none such; and that, so far as my feeling goes, I earnestly hope that it will never be exerted. I should be exceedingly sorry to see the practices of other countries introduced into this. My Lords, that which distinguishes us from other countries is the universal publicity of our conduct, and the open

avowal of our sentiments to all mankind; and I should be exceedingly sorry to find men, instead of standing forward openly, and stating their opinions in the face of day, proceeding in a sneaking course, and exercising their elective franchise under a secret mode of voting. Happily the constitution of this country has been formed, not only for the protection of a limited monarchy, and of those interests which are immediately connected with it, but also for the protection of property. Your Lordships are called on to provide for the protection of property and the security of the Church, as well as for the security of liberty and life; and I hope that, in all our deliberations, we shall never lose sight of those most important objects.

March 6, 1838.

SLAVERY—BRITISH GUIANA.

Lord BROUGHAM moved a resolution condemnatory of the circumstances connected with the order in council of the 12th of July, enabling the proprietors of British Guiana to import labourers from countries within the limits of the East India Company's Charter.

Lord GLENELG opposed the resolution.

THE DUKE OF WELLINGTON said:

I have perused with great attention the papers that have been laid on your Lordships' table on this subject, and I have listened with admiration to the speech of the noble and learned Lord who has brought forward this motion; but I conceive that much of that able speech adverted to a part of this question and to some of those papers which have no immediate relation to the subject under the consideration and discussion of your Lordships—I mean the removal of free laborers from the East Indies to the Mauritius or to Guiana. The Order in Council (and I allude to that order which fell under the discussion of the noble and learned Lord) does not refer immediately to the question before us. It refers to the question thus far: that the free laborers introduced into Guiana do come under the very beneficial regulations of that Order in Council—I mean that order which admits free laborers from the East Indies for five years. That is the point to which the noble and learned Lord originally drew the attention of your Lordships, and on which his motion was originally founded. This subject

of the removal of laborers to other and distant parts of the country must now, for some years back, have attracted the attention of Her Majesty's Ministers. I observe in those papers which have been laid upon your Lordships' table, and also in other documents, statements of such transactions having taken place so long ago as the year 1834, nearly four years since. Some laborers appear to have been then removed into the island of Mauritius. I cannot give Her Majesty's Government any credit for vigilance as to this subject, for in point of fact no attention was paid to it for a very considerable period of time afterwards; from the notice taken of it, not in this House, but in the other House of Parliament, by the gentleman at the head of the Board of Control, he appeared to me to answer as if there had been no interference on the part of the Government, as if the thing was a matter of course, and as if the hiring was to be voluntary, and that the only purpose for which the East India Company could have a wish, or even pretence, for interference, would be to provide that due care should be taken of the laborers while at sea, and to prevent their subsequent abandonment or neglect. In the year 1837 we were told that the only pretence for interference on the part of the East India Company was a desire that the laborers should be taken care of. I will venture to state that, if the individual who made that assertion had taken the trouble to converse upon the subject with any one connected with India, or possessing a knowledge of the state of the country—with one knowing anything about the inhabitants of those regions—that person would have told him that it was perfectly impossible that such arrangements could be made by the lower classes of the inhabitants and any description of the Europeans in Calcutta, without the strict supervision and protection of the Government in the arrangement, and without a high degree of vigilance being exercised in all parts of the execution. If your Lordships will take the trouble to look through the papers, you will see that this is no imaginary statement of mine. You will see that, notwithstanding the respectability and character of the merchants who first commenced these transactions in this country, and of those who carry the business on under their direction in Calcutta, the matter has fallen into the lowest and most degraded hands—into the hands of 'crimps,' both native and European. Meagre of intelligence as the papers which have been laid before your Lordships are, yet they comprise enough of this description of trans-

actions to show us the absolute necessity of Government being most acute, active, and vigilant in protecting these laborers. I ask how, under the circumstances I have mentioned, this mode of hiring laborers has gone on without attracting the attention of Her Majesty's Government? and why, up to the 1st of May, 1837, there should have been no law passed upon the subject? and why, even when the law was at length passed, it should have been one of such a nature that I cannot avoid characterising it as being entirely inadequate to the purposes for which it was intended? I certainly feel most strongly the truth of all the remarks which have fallen from the noble Lord the Secretary of State, in respect of the importance of our West Indian colonies; and also in respect of the importance of the crisis which is approaching, not only in relation to the proprietary, but also to the cultivators and inhabitants of that part of the world. I hope their lives will be happier hereafter than they are at the present moment. That will depend altogether on their becoming hereafter an industrious and laborious class of people; but if they are to pass their existence in idleness and laziness, as I apprehend from what I have read in these papers and other documents that they unfortunately will do, then and in that case not only will the proprietors suffer considerably, but the cultivators themselves will be ruined, and those beautiful colonies, which have contributed to the prosperity and glory of this country, will have again established in them the trade and traffic which we all now deprecate so much. I think that it fully appears, from the documents laid on your Lordships' table, that the influence of the exportation of these laborers from Bengal has produced a great and good effect on the Mauritius, and not only on their fellow-laborers the apprenticed negroes, but even on the minds of the planters themselves. They now feel more confidence in the prospect of being able to derive some advantage from the law for the apprenticing of negroes, when the period arrives at which these will be set at entire liberty. I confess that these views of the state of things in the Mauritius are calculated, in my mind, to raise a favorable idea of the importation of such laborers; and I wish, if it were possible, to extend the same advantages to the other colonies of the western hemisphere. I can easily conceive the difficulty would be greater, but I think the advantages likely to result from it would more than compensate for any difficulty that might be found to lie in the way of its introduction. Certain,

however, I am, that it will be necessary to take more precautions than have been hitherto taken, in order to protect the interests, the health, and lives of those who may be induced to enter into and embark in such commercial speculations. It will be requisite that more vigilance and more active interference be exercised. If this should cause persons interested in the industry of the West India colonies to introduce workmen from the East, whose good example will be attended with beneficial results, I should not consider any amount of trouble or expense thrown away, if it only succeeded in effecting so desirable an object.

The noble Lord has contended that it would be a hardship on the negroes to introduce into these colonies other negroes who would work for 2*d.* a-day. I must say that (considering the great facilities which negroes in Guiana and Jamaica have of procuring subsistence, and the apprehensions, perhaps well founded, which all appear to entertain, that at the expiration of their apprenticeship they will cease to work) I cannot help thinking it would be desirable to introduce Bengal workmen, if they can be had, even at the rate of 2*s.* a-day. I confess, however, that I never shall be satisfied to see the system continued, unless I find at the same time some effectual security for the performance of the bargain made with the laborers, and their comfortable and safe removal from Bengal to the West Indian colonies, as well as for their safe return, at the expiration of the contract, to their own country. I never can be satisfied that the Order in Council—I beg pardon, I mean the law passed by the Governor-General in Council—is sufficient for this purpose. It has been my lot to have known well what those people are. It has also been my lot to be embarked along with a great number of them; and I entreat your Lordships not to leave these men to be carried away like so many cattle, and to have no one to take care of them during the voyage, and no one upon their arrival to protect their interests and see that they are not cheated or oppressed. Before I came down to the House I had drawn up the general heads of what appeared to me to be reasonable alterations in the Bengal Order in Council. I will now take the liberty of reading them to your Lordships, merely by way of suggestion. Noble Lords will of course exercise their own discretion, and consider what course they ought to pursue notwithstanding. I am desirous of calling the attention of the House to my plan, the more especially as the noble Lord opposite

(Lord Glenelg) has concluded with no motion. I suggest, 'That whenever an application is made to the Governor-General for the embarkation of —— (which I propose to fill up with ten) natives, an officer shall be named who shall superintend the bargains made by them with their employers, and the preparations made for the voyage and for their embarkation, and who shall take care that no native shall make a bargain which he does not thoroughly understand, or without having undergone medical inspection; and who shall moreover see that no more of either sex be so engaged than after the proportion fixed by the regulation. That the bargain specify that they are to embark; the probable length of the voyage; the nature of the food at sea; the tonnage to be fixed for each man; the length of time which the service is to endure; the nature of the employment; the number of days of work each week; the number of hours each day; the remuneration in food, specifying quality and quantity, daily; the same in money; how frequently to be paid, in clothing or other articles; in case the particular articles of food cannot be procured, the money to be specified to be paid in lieu thereof, the officer taking care by inquiry to ascertain that it will be ample to secure an equivalent for that food. The bargain is further to specify, that at the end of the period each of the natives of India is to be sent back to the Indian settlement from which he shall have been embarked, the same care being taken for his food and accommodation as upon his quitting his own country. The officer is then to see that the vessel is seaworthy; that she is duly equipped for navigation on the voyage, and that her decks are so disposed as to give comfortable and healthy accommodation to the numbers to be embarked; that she has the requisite quantity of water and provisions of the quality specified in the bargain; and that there is medical assistance on board. The officer is then to superintend the embarkation of the natives; he is to see them berthed off, and arranged in their berths; he is to superintend all these arrangements; those for cooking, &c., at sea. He is then to embark with them, and to attend to their good order, cleanliness, and the regularity of their food and conduct in general during the voyage. When landed, he is to be their protector; to require, on their parts, the strict execution of the bargain by their employer; to be the interpreter of their complaints to the magistrate or governor. He is, on the other hand, to exert his influence that they may do justice to their employer; that the ports

in India from which natives can be embarked in numbers shall be specified; and that measures shall be adopted to carry into execution the same measures for each.' As I do not wish, for the reasons I have stated, to see the present system put an end to, I cannot support the resolutions of the noble and learned Lord opposite (Lord Brougham). I am therefore anxious to have the attention of Her Majesty's Government called to these suggestions, to see if they can be adopted.

Subsequently in the evening,

THE DUKE OF WELLINGTON said:

I conceive that, if the resolutions of the noble and learned Lord opposite were to be carried, it would not be respectful in your Lordships to continue in force the Order in Council. Now I for one am not prepared to consent to its abrogation, and I consider that it may be so altered as to prevent all abuse. With that object in view, I have proposed to the noble Secretary for the Colonies certain alterations tending to amend the laws respecting the traffic which is carried on for supplying the demand for labor in the colonies, and the noble Viscount at the head of the Government has stated his intention of taking my views into consideration; and I am quite satisfied, when he makes that statement, that he intends to consider those views at the earliest possible period, and that he is prepared and willing to carry them into full effect, as far as it may be found possible to do so. As I think that it would not be advisable to go to a division on the motion of the noble and learned Lord as it stands, I beg leave to move the previous question.

Lord BROUGHAM'S resolution negatived.

March 8, 1838.

PARLIAMENTARY ELECTORS.

The Marquis of LANSDOWNE moved the second reading of the Parliamentary Electors and Freemen Bill.

THE DUKE OF WELLINGTON said:

I shall follow the example of the noble Marquis by occupying but very little of your Lordships' time on this subject. I shall confine my opposition solely to the objects of this Bill. But I

must claim for this House a right to consider the whole of this subject equally with the other House of Parliament; indeed, the noble Lord has not attempted to deny it. It is the duty of your Lordships in discussing this question to see a little what has been the working of the Reform Act in general, and whether it would be expedient at this particular moment to relax those provisions which have for their object rather the limitation than otherwise of the democratical operation of that measure. The noble Marquis has stated that the object is solely to remedy the inconveniences which may be experienced in consequence of the inattention of some of those who are likely to be called on, upon registering, to pay those rates and taxes which are required to be paid. If your Lordships will be pleased to advert to the provisions of the Reform Act, you will see that they provide, first, that a person must have been in possession of the premises for which he claims to vote for twelve months; next, that he shall have paid his rates and taxes up to the 5th of April, and that he shall have resided six months in the premises: having complied with these provisions, he will be put on the register from the month of November, and have a vote. But what is the object of this Bill? It does not say that the elector is to have an additional notice from the overseers to let him know that he must take care and pay up his rates and taxes in time, but that he shall be registered again, and put on the list of voters in the following November, if he will pay up his rates and taxes before the 11th of November. Thus it extends the time for the payment of rates and taxes due on or before the 5th of April for three months, and makes a grant of six months in favor of persons whose names have yet to be placed on the registry. What will be the consequence? Of course the effect of the measure will be to add largely to the number of voters throughout the country, and those voters will be of a different description to those at present on the registries. They will not be required to have paid their rates and taxes up to the time that they are required to have paid them as the law stands at present; and that law was framed after the most mature deliberation. It may therefore happen that many may be registered and actually exercise the franchise who are, in fact, unable to pay their rates and taxes as required by the existing law. It is said that at present many who are able to pay their rates and taxes are prevented from having their names placed on the registries on account of not knowing

when those rates and taxes ought to be paid, and this measure is proposed as a remedy for that inconvenience. But no proof has been tendered to show that any such inconvenience actually exists, and before such a measure is adopted I think the fullest proof of inconvenience should be required. It is also argued that, for want of notice of the time when the payment of rates and taxes is required by the law, many neglect to make payment till the time appointed for payment is past, and, in consequence, are disqualified from being placed on the registry; and it is therefore concluded that the payment of taxes at the time required by the law as it stands shall be remitted, and that persons wishing to exercise the franchise shall be compelled only to have made payment up to the October of the year preceding that in which they claim to be placed on the registry. But that is a proposal which I think your Lordships ought not to adopt, as, if such a proposition were carried, a door would be opened for the admission to the registries of those who are in reality unable to pay the rates and taxes required by the law. Your Lordships ought also to recollect that since the passing of the Reform Bill the taxes required from householders paying 10*l.* of yearly rent have been greatly reduced, and I believe that the poor-rates have also been diminished. These reductions have afforded great relief to that particular class of persons, greater than has been given to any other portion of society; and I think that, under the circumstances, the amount of qualification ought not to be further diminished, for, if it be, a worse description of electors will be the inevitable consequence. I perfectly recollect that a noble friend of mine, whom I do not now see in his place, warned your Lordships on a former occasion of the danger of making any approach to democracy in a measure like this; and he told your Lordships that if once such a measure was adopted you could never turn back from it. If it be found, when carried into operation, to act ever so injuriously—if its tendency be found to be ever so destructive to the peace and wellbeing of society—still you cannot fall back on the point from which you started, for, if once granted, the measure must be permanent. Seeing no necessity for a measure like the present, and fearing the consequences which may result from its operation, I, for one, cannot consent to its being read a second time. I recommend your Lordships not to pass this Bill; and, convinced that it can be productive of no good, that its adoption would only encourage further

demands for other changes in the existing law, I beg leave to move as an amendment that the Bill be read a second time this day six months.

The Bill was rejected by 147 to 82.

March 13, 1838.

YEOMANRY CORPS.

In a conversation respecting the proposed reduction of the Yeomanry Corps,

THE DUKE OF WELLINGTON said:

If Her Majesty's Government mean to review the distribution and general arrangement of the yeomanry corps, with the view of establishing a better system of organisation, I do not think that any better opportunity could have been taken. I happen, as Lord-Lieutenant of a county, to have under my care eight single troops, each of which gives me as much trouble as a regiment of 300 or 400 men would do; they also give the same trouble to the Secretary of State for the Home Department, the only difference being, that he has an office, with proper clerks, and I have not; but I must, at the same time, say that these eight single troops ought to be just as efficient in preserving the peace of the country as if they were eight regiments; and, notwithstanding the noble Viscount's statement, I would infinitely prefer additional trouble than incur the risk of this reduction; and, as to a fresh organisation, I would also rather have the eight single troops, or any other number, distributed over different parts, than have the whole 300 or 400 collected into fewer places in this or any other corps.

March 13, 1838.

SLAVERY.

Lord GLENELG moved the second reading of the Bill for the amendment of the Act for the Abolition of Slavery.

Lord BROUGHAM and the Marquis of SLIGO having addressed the house,

THE DUKE OF WELLINGTON said:

There is no man in this House or in the country who has been more anxious than myself that the measure passed for the

abolition of slavery should be entirely successful. I have however conceived from the first that the only chance of its success would arise from the colonial legislatures acting with good faith, and carrying the measure, after it had passed the Imperial Parliament, into strict execution; for which measure they have received what they acknowledge by their adhesion to the principle of the Bill, a competent compensation. It appears, however, to be beyond doubt that they have not carried the new system into execution as they ought to have done; and some two or three years ago your Lordships were under the necessity of consenting to a Bill, rendered necessary in consequence of the Legislature of Jamaica having refused, under not very creditable circumstances, to enact a law which it had positively promised to pass. Under these circumstances, considering that we are now approaching to within a couple of years of the period when a new state of society is to be established in all the British possessions where slavery has ever existed, I must say I think Parliament ought not to hesitate about adopting some measure of the description now proposed for the purpose of carrying into full and complete execution the object which the Imperial Legislature had in view when the Emancipation Act was passed. It appears to me that, if the legislatures of the colonies had acted as sensible men ought to have done in the circumstances in which they were placed four years ago, they would have had before them, and the British Parliament would have had before it, a very different prospect from that which, I fear, exists at the present moment. I say, I fear, because I am anxious not to aggravate the difficulty of the position into which the colonists have thrown themselves by any exaggerated statement, either of their conduct or of the consequences which that conduct has produced. I do not say that I entirely approve of the present Bill, or that I can give my assent to all its enactments; but I do approve of the introduction of some measure of the kind; and I think it ought to be read a second time and allowed to go into Committee, in order that it may be seen how far the proposed enactments may be carried into execution, and how far the measure can be improved by the amendments of which the noble Marquis has given notice. What I principally complain of is, that your Lordships and the other House of Parliament should be under the necessity of adopting a measure like the present. I think that the colonial legislatures have behaved exceedingly ill in

obliging Parliament to take such a Bill into consideration, because there are some of its enactments which it is a shame for any legislature to enact with regard to any body of persons; but it is the total neglect, or rather the evasion, on the part of the colonial legislatures, of proper measures, which imposes on Parliament the necessity of interfering; and I trust that interference will be carried as far as it may be necessary, and no further. A noble and learned Lord, not now in his place (Lord Brougham), has intimated his intention of moving an amendment to the Bill, to the effect that apprenticeship shall cease on the 1st of August, 1838. With respect to that amendment I do not mean at the present moment to express any opinion; but I think it desirable that the noble and learned Lord should take an opportunity, before the Bill goes into Committee, of stating in what form he means to bring his motion under the consideration of the House.

Bill read a second time.

March 30, 1838.

CHURCH OF SCOTLAND.

The Earl of ABERDEEN, in a long address, moved for returns relative to the Church of Scotland.

Viscount MELBOURNE commented upon the noble Earl's views.

After some discussion,

THE DUKE OF WELLINGTON said:

My Lords, it is impossible for me to allow this discussion to close without addressing a few words to your Lordships. We had a discussion upon this subject a fortnight ago, and on the same day a discussion respecting the Established Church in Ireland. From that discussion and from the present it appears the policy of Her Majesty's Government is—I will use the mildest term that can be employed—not to encourage the Established Church. I am afraid that it will appear, from what passed in another place in the last Session of Parliament, and even in this, that the Church of England—the Established Church of England—is not to be encouraged by Her Majesty's Government. I am sure that those who recollect what has occurred in Parliament during the last few years will admit that no great encouragement has been shown by

Ministers to the Church of Ireland, that branch of the Established Church of England which is stationed in the latter country. I say, therefore, my Lords, that the policy of Her Majesty's Government is really not to encourage the Established Church; but that, I must add, is a most material alteration in the fundamental policy of the Government of this country, and, I must own also, is most sincerely to be lamented by every friend of the Constitution, and of the peace, order, and happiness of the community. It is to be observed that of all these Established Churches that of Scotland is the one which must have occasioned least jealousy to the Government, which is also the least endowed, and whose exertions, up to a very late period, have been most successful in making what, as my noble friend has said, the late Lord Liverpool called "the best-conditioned country in the world," that country which, on the whole, is more happy, and has advanced more in prosperity, and even in population, within a given time, than any part of Her Majesty's dominions. I am sorry to say that there is a great want, as has been stated in most positive terms, and as is evident from the Reports on the table, and as, indeed, appears from the admissions which have been made in the course of this discussion—I repeat, a very considerable want of means for religious instruction in the possession of the Established Church of Scotland. There is certainly some difference of opinion between the noble Lord opposite and my noble friends near me with respect to the amount of that deficiency. The noble Earl (of Minto) who spoke last has submitted a calculation that provision ought to be made for religious instruction at the rate of 44 per cent. on the population. I believe, however, that this calculation relates to the rural parishes. It does not touch the towns at all; and the proper calculation of the want of church accommodation ought to be 60 per cent. on the total amount of population. It appears from the statements made in the books before your Lordships that the number of persons destitute of church accommodation is in Edinburgh 27,000, and in Glasgow it is 44,000; but if your Lordships take into consideration the number of vacant sittings, both in the dissenting chapels and in the churches, it will be found that a very large proportion of the inhabitants of those towns are totally destitute of all religious instruction.

The noble Viscount (Melbourne) has said that the people of Scotland entertain a remarkable objection to the occupation of

free sittings, as in that country sittings are generally paid for by money. That is no doubt true; but that is the foundation of the demand for assistance which the people of that country now make to the Government—assistance not to build churches, be it remembered, as has been observed by the Right Reverend Prelate (the Bishop of London), but to make a provision for the endowment of clergymen to perform the service and teach the population in the immediate vicinity of places where churches have been built or may be built hereafter. The noble Viscount says that he will not concede this demand, because he is apprehensive of similar demands being made to him from other parts of the country. But if the noble Viscount did give assistance in compliance with those demands, he would not give more than has been given before. My noble friend behind me could tell your Lordships of a very large grant which was made to the Established Church of England. And again, it has been sufficiently shown by the Right Reverend Prelate (the Bishop of London) that provision will be made in a great degree for any want of religious instruction in this country out of the funds of the Established Church of England, and therefore there is an end of all that argument. No such demand will be made by England, and your Lordships know that no such demand will be made in Ireland, and therefore the demand is simply reduced to a provision for the endowment of a clergyman to perform the parochial duty in the churches which have been or which shall be built in different parishes in and near large towns in Scotland. I confess, my Lords, that I am not at all astonished at the opposition which this application has encountered from the advocates of the voluntary system in Scotland. They know that assistance could not be granted to them; they know that they cannot take charge of the population of the country, and that no Government could come forward to propose such a grant; so what they say is, 'We cannot get assistance, and therefore nobody else shall.' But I would observe that the Government ought to pursue a different course. They ought not to leave themselves in the hands of the enemies of the Church of Scotland; they should, on the contrary, listen to the General Assembly of the Church of Scotland, which is the proper authority on this subject. That body would tell Her Majesty's Government that the assistance now asked would enable them to give instruction to all who require it, and to establish in the country peace, good order, religion, and

morality. These are the advantages which would be received in return for this small grant of public money. But, my Lords, I must beg leave to state that it is not only the Church of England to which grants have been made out of the public funds. In the Church of Scotland itself, in cases in which the revenue arising from tithes in parishes is not sufficient to provide the clergyman with a competent stipend, his stipend is made up out of the public funds. This is the principle on which they now call on the noble Viscount to make this grant. What they say is, 'Here is a church built by private funds; we ask money from the public purse in order to enable the Church of Scotland to appoint a well-qualified person to take charge of the congregation.' The noble Viscount has really given no reason for refusing this grant, except the general one to which I have adverted, that it will draw on him demands from other places, to meet which there are no funds. The noble Viscount stated, in answer to the observations of my noble friend, that he had no objection to making a grant from that part of the consolidated fund which was formerly part of the private revenues of the Crown, because it was a limited fund. To that I will only say, that I have no objection to derive assistance from that fund, because, perhaps, it may be sufficient to answer all the purposes for which the grant for the Church of Scotland is required; but what I ask from the noble Viscount is, that he will depart from the principle which he has laid down of not rendering any assistance to the Church in great towns, only because in the great towns the doing so will not be agreeable to certain parties. It would give me the greatest satisfaction to find the Government acting on a principle of encouraging the Established Church, instead of acting on a contrary principle; and I am convinced that the consequence of adopting that course would be to promote the welfare and to secure the happiness of the people of Scotland.

Motion agreed to.

April 3, 1838.

YEOMANRY CAVALRY.

In a conversation respecting the disbanding of the Yeomanry Cavalry in Scotland,

THE DUKE OF WELLINGTON said:

As Lord-Lieutenant of Hampshire I feel it to be a part of

my duty to inspect the yeomanry of that county, and I never inspect the yeomanry of any other county unless I receive directions to do so from the proper authorities. I entirely concur with my noble friend who has just sat down in thinking that it is desirable that the yeomanry force should be continued on its present footing. I have already taken the opportunity of stating to your Lordships my opinion of their value. Undoubtedly the institution of independent troops is not the most showy nor the most convenient for administration by the Lord-Lieutenant; but it is most efficient for what I consider the object of greatest importance, namely, the preservation of the peace of the country. I cannot sufficiently lament that the Government have thought proper to put down such a body, as the expense of maintaining the eight troops reduced will be only about 2000*l.*, and the cost of the special commission which sat at Winchester in 1830 amounted I am sure to twenty times that sum; and at that commission there were capitally convicted above 100 individuals. It is desirable to prevent the recurrence of such circumstances, and it is to be regretted that, in order to save such a paltry sum as 2000*l.*, such a district as the New Forest, in Hampshire and Dorsetshire, should be exposed to the consequences of the reduction of the yeomanry. The Government however know what measures they will adopt. They are responsible for them; and, however much I may lament it, I shall feel it to be my duty, when I receive the orders of the Government, to carry them into execution.

April 6, 1838.

THE IRISH CHURCH.

The Earl of RIPON moved for certain accounts connected with the receipts and expenditure of the Ecclesiastical Commissioners for Ireland.

Viscount MELBOURNE having addressed the House,

THE DUKE OF WELLINGTON said:

I do not feel called upon to trouble the House with many observations; but I beg to observe that I am surprised the noble Viscount opposite did not make the speech he has just concluded three or four evenings ago, when, as he has said, I charged on him (and I confess I do not feel inclined to withdraw from the statement to-night) a departure from that ancient policy of this

country which for the last 200 years has been to protect, maintain, and encourage the Church establishments in England and in Ireland, and for the last 150 years in Scotland. That I charged upon the noble Viscount; and though I do not now propose to enter again into the discussion of the other night, with reference to the condition of the Church of Scotland, still, the more I reflect upon that question the more I am convinced that the noble Viscount has not done his duty by the Church of Scotland in neglecting to adopt some measure for the support and maintenance of religion in the large towns of that country. With respect to the discussion now before the House, the noble Viscount has said that I did not support the Bill to which he has alluded. Now I did support the Bill, though I objected to some of its details; but whether I and some of my noble friends supported the Bill or not, still we are entitled to claim for the Church of Ireland all the benefits of that Bill; and I agree with my noble friend near me, that the Church of Ireland has not now the enjoyment of the benefits of the enactments of that measure, nor of the promises held out to the friends of the Church in that country. My noble friend has stated most clearly to your Lordships that, according to the system of taxation which Church livings in Ireland are to undergo, even according to the best plan ever proposed in either House of Parliament, a great part of the resources of the Church to the commissioners under that Bill will be lost, and the resources for the augmentation of small livings will be entirely done away with. That is a fact, and the noble Viscount opposite has replied, 'Oh, yes; but the reason is, that you on your side of the House would not adopt the plan proposed in the year 1834.' But the noble Viscount forgets that the greater part of that measure was intended for a settlement by redemption, and that the redemption clauses were struck out in the other House of Parliament, and the plan came to your Lordships shorn of all those benefits that were to be expected to result from the measure by its framers and introducers. Of that fact the noble Viscount has lost sight altogether. It was a portion of that plan, then suggested elsewhere, that the Church was to part with its property, and it was to go into the hands of the Government, and the ministers of the Church were to be placed on the Consolidated Fund. To that plan, as far as I am myself concerned, I will at once say I object. I have always done so, and I never will adopt it. But the noble Viscount

says there is a desire in Parliament to see an arrangement not only of this, but of every other question which for years past has occupied the attention of both Houses regarding Ireland; and I am sure they will receive here due consideration in order to put an end to them, and to fix the Government of Ireland in strength upon all those questions. The noble Viscount has said that he believes that those on my side of the House take a view contrary to the views of the people. But I believe that the noble Viscount is mistaken there; I think that a very large number of persons in this country entertain the same views on these subjects as I and other noble Lords hold. And I assure the noble Viscount I wish to see those questions settled for the benefit of the Government, taking it in the largest sense of the word, and not caring one pin in whose hands the Government is placed.

Motion agreed to.

May 3, 1838.

THE MALTA COMMISSION.

The Earl of RIPON moved for a return of the expense incurred by the Commissioners sent out to Malta in 1837.

Lord GLENELG asserted the earnest desire of the Government to do justice to the native inhabitants of Malta.

THE DUKE OF WELLINGTON said:

I should have been unwilling to address to your Lordships any observations on this subject if the noble Lord had not referred to the commission which was appointed on the affairs of Malta when I was in office. Now there is this remarkable difference between the commission to which the noble Lord has referred and all those which have been appointed—I believe with the single exception of the ecclesiastical commission—from that period downwards. The commission of 1830 was presided over by a Cabinet Minister, the late Lord Rosslyn; it comprised staff-officers and others in the public service; and it had for its object to ascertain the state of the revenue and expenditure of the different colonies belonging to this country. That commission, except for its two clerks, did not cost the country one shilling. It made a most valuable Report on the matters referred to it, on which some proceedings were had immediately, and I believe it will be found

that upon that Report all the colonial reforms which have been made from that time to the present have been founded. The commission referred to by the noble Earl was entirely distinct from the commission which my noble friend has referred to, and which is now under your Lordships' consideration. I was much struck on reading the Report which I now hold in my hand. It appears to have been sent to Malta for one purpose, and one only; it has effected one purpose, and one only; it has produced a Report on a free press, and has enabled the noble Lord to write that despatch which he wrote eight months after he received the Report. The commission was appointed in September, to inquire into a variety of matters connected with the government of Malta; but it struck out nothing, and, as my noble friend says, reported on nothing, for the first few months, except drawing up that proposition for the establishment of a free press. His Majesty, in the commission he issued, called the attention of the commissioners to a variety of subjects connected with the civil government of the island of Malta; but that which the commission does not mention —certainly it is not excluded—are the words 'free press.' It does not say one syllable about the press. What, however, did the commission? They were appointed in the month of September, they landed in Malta in the month of October, and the first thing they did was to commence an inquiry into the state of the press, as if that matter was the most important and pressing of all the matters that interested the island. At the end of six months they made a Report, which has been received.

I beg your Lordships to recollect what Malta is. It is a fortress and a seaport, a great naval and military arsenal in the Mediterranean. We hold it by conquest, and by treaty after conquest. We hold it as a great military and naval arsenal, and as nothing else. Why, we might just as well talk of putting a free press on board the admiral's ship of the line in the Mediterranean, of setting it up in the garrison of Gibraltar, or of sending it into the quarters of Sir John Colborne in North America. A free press in Malta! The very idea is contemptible. A free press, in the Italian language, in Malta! Malta contains 100,000 inhabitants, and the Report itself tells us that the greater proportion of those inhabitants cannot understand the Italian language. They do not want a free press to watch the manner in which the English soldiers and sailors perform their duty. What can they

want with a free press in Malta, when we are told that the working population there speak no language but the Maltese? It is proposed to establish a free press for a population who do not understand the language in which it is to be published, and who, if they do understand it, can neither read nor write. But from the statement of these gentlemen who are so attached to a free press, it appears that 200*l.* is to be paid for its support by the Government, and that without such support it cannot go on. The noble Lord will find that the expense incurred by this commission will eat up more than the saving made by it. I cannot help looking a little further into this free-press establishment. I cannot help thinking it unbecoming in the Government to have done what they have done in Malta, looking at the nature of the place and the mode in which they have done it. Though a free press is to be established, by which employment is to be given to many of the Maltese subjects, they are not to be foreign Italians. The papers are to be in the Italian language, but foreign Italians are not to get them up; the persons who are to write for them are to be the native subjects of Malta. What is the meaning of this? If the parties were foreign Italians the Government might have a check on them. For instance, if they chose to get up an insurrection in Italy from their den in the island of Malta, the Government could put its hand on them and send them out of the island. It could not do that, however, in the other case; and that is the reason why the Maltese are to be employed on this free press in preference to foreign Italians. This free press is to be established under the sanction of the Government, for the purpose of exciting insurrection in the dominions of our allies. I think a sufficient lesson on that subject has been already received in what has occurred in Italy, in Spain, in Portugal, ay, and in Canada, and that we may now begin to feel that it is not desirable to excite insurrection in foreign countries. I will say that the object the Government has in view in countenancing the establishment of a free press is to excite insurrection in the island of Sicily, in Naples, and in the territories of the King of Sardinia; and, believing that to be the object of this measure, I will candidly say that I am ashamed of it. When I consider the consequences of these insurrections, when I view the course which they have taken, the misery which they have occasioned, I must say Government ought to have done everything in their power to prevent the establish-

ment of this free press, instead of sending the commissioners out to effect that and nothing else: you might as well try to establish it on the deck of a man-of-war. Mr. Nugent and Sir T. Hanley, it appears, are to be removed, and have pensions at an expense to the Maltese. The Government of Malta ought to be carried on with a view to the welfare of the garrison; and unless it be, we shall lose the garrison and harbour. There was, I will say, no necessity for the commission which has been sent out. As to the charities about which inquiry is to be made, they are all supported at the expense of Government. On reading the Report which is on your Lordships' table, I have come to this conclusion, that the commission was sent out for no other object but that of patronage; that in its proceedings it is mischievous and has been altogether disgraceful to the country. That is my opinion, and to that opinion I will adhere.

Motion agreed to.

May 7, 1838.

THE YEOMANRY CORPS.

In a conversation respecting the Yeomanry Corps,

THE DUKE OF WELLINGTON said:

Although many noble Lords appear to doubt that the yeomanry is the most eligible force for putting down disturbances, I confess that I rather incline to a contrary opinion. The first consideration in every case is to put down any disturbance that may arise with as little delay as circumstances will permit; and I am one of those who would be always for putting down disturbance with the least possible loss of life. I therefore think that whatever force partakes most of a preventive character must be considered the most eligible. My Lords, I believe that the yeomanry best answer to that description; and it is to be remembered that when troops are present, or supposed to be near the spot, it rarely happens that disturbances arise. This I consider to be a strong argument in favor of the employment of the yeomanry. My Lords, I know, too, a little about troops, and I recommend that infantry should not be employed in cases of civil disturbance; and more particularly do I recommend that militia should not be employed on such occasions.

May 25, 1838.

NATIONAL EDUCATION, IRELAND.

The Bishop of EXETER moved certain resolutions in opposition to the system of national Education in Ireland.

The Marquis of LANSDOWNE having controverted the Right Reverend Prelate's views,

THE DUKE OF WELLINGTON said:

My Lords, having been one of those who at first opposed the adoption of the present national system of education in Ireland, it is impossible for me to allow this question to go to a vote, by which the right reverend Prelate has called upon your Lordships to decide against it, without addressing to your Lordships a few words on the subject. I was one of those who always objected to this joint system of education, because it was my opinion that in a country like Ireland, and considering the state of political agitation to which she has been exposed for nearly forty-five years, preceded as that agitation had been by dissensions of another description for a long period of years, but looking especially to the period since 1793, and more particularly to the latter part of it, it would be impossible that the system of the noble Lord, as I may call it, could be established in that country. I believe it is not now denied that the object of the system has entirely failed.

Several noble Lords: No, No! And other noble Lords: Hear, hear!

THE DUKE OF WELLINGTON:

I believe it has been so stated in evidence before your Lordships' committee; I believe that, there, it was fully admitted that that part of the system which related to the joint education of Protestants with Romanists had not answered. I will not enter into a dispute with the noble Marquis with respect to the advantages which have accrued to Ireland, and particularly the south of Ireland, from this system of education; but I think the noble Marquis has not in the least shaken the statements of the right reverend Prelate as to the results of the joint system of education, either in the north or the south of Ireland. The noble Marquis read the evidence of one gentleman respecting the north of Ireland; but the right reverend Prelate went into a vast number of instances connected with the north of Ireland, showing that the schools were composed only of Protestants, while in the south of

Ireland they consisted wholly of Roman Catholics; therefore it would be a waste of your Lordships' time to talk of its being in reality a system of joint education. Then, my Lords, if it be not a system of joint education, it becomes a question whether it ought to be carried on in contradiction to the wishes and inclinations of a large body of the clergy and gentry of Ireland. The noble Marquis, in various parts of his speech, has fairly admitted that this joint system is opposed by the clergy, and that the motives of that opposition are conscientious motives. Now I have heard very sufficient reasons for their opposition to this joint system from the beginning. I believe that they foresaw the difficulties which they must encounter in the endeavor by this system to promote the education of those to whom they were bound to give it, and they therefore determined that they would have nothing to do with it. The noble Marquis has read extracts from pamphlets and various papers to show that, in some cases, if they had attended, their attendance might have been of good effect; but taking the general principle, there can be no doubt as to what has been said by the right reverend Prelate, that the system of joint education has entirely failed.

I cannot help thinking that there is great truth also in the second resolution moved by the right reverend Prelate, namely, that the system has operated as a discouragement to the Protestant religion in Ireland. I can have no hesitation in saying that, if the evidence on the table be true, the system must have greatly tended, among other circumstances which have occurred within the last few years, to discourage the Protestant religion in Ireland. I agree with the right reverend Prelate in thinking that the Fourth Report of the commissioners has not removed the objections to the system founded on the fact that Christianity is not allowed to be taught in the national schools; it has only apparently, not really, removed them. The truth is, the clergymen have not the power of going into the school and teaching the doctrines of Scripture; there are not the means of enabling them to give religious instruction to those who desire it. The noble Marquis has thought proper to enter into a discussion respecting the opinions delivered by the right reverend Prelate on the subject of the extracts. I cannot pretend to follow the noble Marquis or the right reverend Prelate into the learned part of these extracts; but certainly it appears to me that the noble Marquis did not see, and surely did

not answer, the objection taken by the right reverend Prelate. That objection was, that the doctrines of the Church of England had been compromised and laid aside, and that, according to the authority of a most reverend Prelate of the Church of England in Ireland, doctrines on two points had found their way into the extracts inconsistent with the tenets of the Church of England. The noble Marquis has argued the orthodoxy of these doctrines; into that question I cannot go; I merely state the objection of the right reverend Prelate, which I think has not been shaken, that the doctrines of the Church of England have been compromised. Now, I say this ought not to have been, and I am very glad to find, from the Fourth Report, that the extracts are not again brought forward as matter of authority, and I believe the use of them has been discontinued in the schools. What I object to in the Fourth Report is, that there is a pretence of using the Scriptures in the schools, whereas, in fact, they are not used. Like other matters of the present day, this is a fallacy—they cannot be used. My Lords, I have no more confidence than before that the system will be at all improved by the adoption of the suggestions of the Fourth Report. My Lords, having said thus much upon the question before the House, I must own that I cannot give my support to the resolutions of the right reverend Prelate. Although I voted against the adoption of the system when it was originally brought forward, I have since, when in office, been a party to carrying it into execution, and have concurred in the grant of various sums of money for that purpose. In acting thus, I have done no more than my duty, because I was perfectly satisfied that it was impossible to change a system of this description every day, upon every occasion on which a Ministry is changed. When a system of this kind has been adopted by Government, it is absolutely necessary that it should be continued on the principles on which it was framed; the Government ought to attend most closely to its execution, and to see that its original principles and the views of its founders are adhered to. It was for these reasons I consented to grants of money for its maintenance; and for the same reasons I now advise your Lordships not to consent to the resolutions of the right reverend Prelate. The resolutions of this House must have a most important effect on the country, and especially in Ireland; but your Lordships must be perfectly aware that Her Majesty's Government and the other House of Parliament are

upon the point of adopting this resolution and carrying it into effect in the course of this Session; and I am certain that your Lordships will be disposed to give your assistance and support to the Government in carrying this measure into execution. Under these circumstances, however much we may disapprove of the system, however we may consider that it has failed, and that the abuses pointed out by the right reverend Prelate ought to be remedied, still I am convinced that, as Members of this House, we ought not to take a course which would be inconsistent with the views of the Government and of the other House of Parliament on this subject. With these opinions, if the right reverend Prelate shall persist in taking the sense of the House on the resolutions, I will beg to move that your Lordships proceed to the order of the day on the previous question.

May 28, 1838.

POOR RELIEF (IRELAND) BILL.

On the order of the day for the House going into Committee on this Bill,

The Earl of RODEN moved that the Bill be committed that day six months.

Earl FITZWILLIAM, the Earl of WINCHILSEA, the Earl of WICKLOW, Earl STANHOPE, Lord FITZGERALD, and the Earl of MANSFIELD having spoken,

THE DUKE OF WELLINGTON said:

I wish, before the division, to address a few words to your Lordships upon the present question. It has been generally admitted by all the noble Lords who have spoken, except, indeed, by the noble Earl who has just sat down, that it is desirable your Lordships should take into consideration, in the course of this Session of Parliament, the question of a law for the poor in Ireland. This subject has likewise been recommended to your attention by nearly all the petitions which have been presented, I believe, to both Houses of Parliament, but particularly, I am sure, by those which have been presented to this House. Notwithstanding the strength of the objections stated to this particular measure, this Bill came up to your Lordships voted by a very large majority of the House of Commons, I believe the largest majority which has agreed upon any subject for a very considerable number of years. It has been under discussion in the previous Parliament, and during four months in the present Session. It is

supported by Her Majesty's Government, and considered in both Houses solely upon its merits, without reference to any party considerations; I therefore humbly submit to your Lordships that, having given the Bill a second reading, it is expedient you should now allow it to go into committee, there to state and consider all the objections that can be made to its several clauses, or amend them if it be fit they should be amended; and if, on considering the Bill again at a future stage, it do not meet your Lordships' approbation, you may either reject it, or postpone it to another Session of Parliament; but in the mean time let us deal fairly with it, and give it a full and impartial consideration. I admit that the Bill may be so defective, there may be such objections to the very first clause, as stated by the noble Earl (Earl Stanhope), that it will be impossible for your Lordships to proceed very far in the committee without postponing such clauses, or rejecting them altogether, and substituting others founded on an opposite principle in their stead; but I think it is incumbent on those who intend so to deal with this Bill as that it shall not regulate the subject to which it relates, to introduce some other measure in the course of the present Session, and within the period in which the committee, taking into account also the holidays, will be likely to be sitting on the Bill. I know the noble Earl (Earl Stanhope) could do so now if he thought proper, for he has already stated the sketch of a measure on this subject to your Lordships. There has likewise been a commission on the matter, out of whose inquiries and recommendations, if approved of, there can be little difficulty in framing a Bill. But, however this may be, I think that, after all which has been said and done in the other House of Parliament, and also in your Lordships' House, something of the kind must be adopted, if it be intended to reject the present measure. I have several amendments to propose in committee; and I know that some of my noble friends have also amendments to offer on some of the most important clauses of the Bill. I hope, therefore, after the sense of the House has been already taken on the second reading, there will be no objection at once to proceed to the committee.

May 31, 1838.

The House considered the Bill.

Earl FITZWILLIAM moved, in clause 41, to substitute 'poorhouse' for 'workhouse.'

The MARQUIS of CONYNGHAM, the Earl of FINGALL, Lord FITZGERALD, Lord PORTMAN, Lord BROUGHAM, and the MARQUIS of CLANRICARDE having addressed the House,

THE DUKE OF WELLINGTON said:

It has been truly stated by the noble Marquis who has just sat down that the question now before the House turns on this point, whether the word 'poorhouse' or 'workhouse' should be introduced into the clause? It is true that, if the word 'workhouse' be expunged from the clause, the whole frame of the Bill must be altered, and the alterations in detail which have been proposed to your Lordships to adopt must be made in other parts of it. I submit, however, that your Lordships, if you adopt the word 'poorhouse' instead of 'workhouse,' must proceed to incur and to form a machinery which, in my opinion, the state of Ireland does not require. The real truth is, that if you intend to do no more than give relief to the aged and the infirm, and the other persons mentioned in the amendment, you do not even want the machinery of almshouses. The establishments now existing in Ireland are quite sufficient for that purpose. I contend, however, that those are not the objects for which your Lordships ought to provide. Your Lordships must look much farther: that provision is made already, but under circumstances which cannot be justified, and which ought not to exist in any country. I refer particularly to what is done to relieve the state of destitution, not only throughout the country parts of Ireland, but also in all its large towns, and more particularly in Dublin. Let your Lordships look at the state of destitution which is said to exist in Dublin, and at the mode in which it is provided for. Let your Lordships look at what is done by the Mendicity Society, and those other institutions which attempt (and they can do nothing but attempt) to relieve destitution. Let your Lordships look at what those institutions do; look at the force by which they levy what are called their 'voluntary contributions' to relieve destitution and misery. The law does not compel any man to contribute; but there is something stronger than the law—there is the force of popular clamour. The names of persons who refuse to contribute are

advertised at the corners of streets, and they are hooted through the town whenever they make their appearance. And why is this? To enable the managers of these institutions to enforce the levy of these 'voluntary' contributions. And yet, notwithstanding this, your Lordships are to be told, 'You must not forcibly levy contributions to relieve distress; you must not, at any rate, do this by Act of Parliament; but you must let these illegal acts continue, rather than levy a sum by a rate for the relief of the poor.' This is not the case in Dublin only. There are, in other large towns, institutions which provide, but provide inadequately, for poverty and distress; and in every one of those towns there are the gravest complaints made against the force and the other illegal acts which are employed for the purpose of levying these contributions. Your Lordships cannot avoid seeing that this ought not to be. But are there no other circumstances in the state of Ireland which require measures a little stronger than those of forming poorhouses or almshouses for the lame, the impotent, and the aged in that country? It is the practice in this House to refer to what has passed in England, and also to what has passed in Scotland, on this subject.

And here I must observe that I certainly was struck by an argument which a noble and learned Lord addressed to your Lordships a few nights ago upon the state of the law in Scotland. I beg that noble and learned Lord's pardon; but, as I am informed, the noble and learned Lord did not state the law correctly. The law in Scotland is, I understand, the same as that in England, but the practice under it is different. There are poorhouses and almshouses, undoubtedly, in various parts of Scotland, but they are provided for, not by rate, but by charitable funds specially devoted to the purpose, or by the really voluntary contributions of individuals. Then it is said that there is no relief granted to the able-bodied in Scotland. But that is a doubtful point, as I am given to understand. Under the law there is no relief but to the aged and to the infirm; but relief is given to others by charity collected at the church door and in other places. That is a very different state of things from that which the noble and learned Lord has described. But Scotland had only 1,000,000 of people at the time that law was made, and it ought not to be forgotten that that law was carried into execution in a country which is one of the best-conditioned in the world, and which even now does not

possess a population too numerous for its means of subsistence. Your Lordships are now called upon to provide for the relief of the poor in a nation containing 8,000,000 of persons. There is in that nation a vast quantity of destitution. Can we go either to the church or the chapel doors to collect charity for the relief of it? That is quite out of the question. If your Lordships enter into the subject at all, you must enter into it in such a manner as will give you a prospect of rendering what you do effectual, and as will produce a tendency to realise benefit, not only by the immediate relief which it will afford, but also by the establishment of a system which will induce the landlords of Ireland to aid you, not merely in the execution of the measure, but also to take such other steps as may be requisite to render the Bill efficient to the general relief of the distress of the country, by the management of their own property, by their attention to the state of the poor on their own estates and in their own neighbourhood, and by all those other measures from which your Lordships see so much advantage derived in this country. I confess I am inclined to hope your Lordships will decide against the proposed alteration in the clause; if you should, I would propose, a little further on, the insertion of a few words which will point more distinctly to the first objects of the Bill, as being the aged, infirm, impotent, lame, and others of that character, as described in the Act of Elizabeth. I certainly have in contemplation some provisions to be added at the end of the clause, in order, as far as possible, to locate the charges, and effect an object which I think most important, namely, to render the measure as economical as it can be made. Adverting to this part of the subject, I cannot but allude to the observations which fell from the noble Marquis (the Marquis of Clanricarde), who seems to think that the calculations which fix the expense of the workhouses at the rate of 7000*l.* each is an estimate greatly under the amount that would be actually incurred. It is impossible for me to judge the precise amount of expense which such a work in Ireland would occasion; but from what I have seen in this part of the country, I should say that 7000*l.* would be sufficient for the purpose. Supposing the amount to be 700,000*l.*, seeing the provisions which the Government have made for its repayment—advancing the money and not requiring its repayment for a considerable period without interest—I must say I do not think it can fall very heavily on the landed interest in Ireland,

and that nobody can have great reason to complain of the first expense. With respect to the remainder of the expense, supposing that there will be no more than from 70,000 to 80,000 persons maintained in the workhouses, it can fairly be estimated without much difficulty; and I do not think that is an expense which the landed interest in Ireland should consider too much for achieving such an object, supposing the object, as I believe it to be, a great social one in that part of the United Kingdom. There is one clause of the measure, relative to the mode of levying the rates, which I confess I think somewhat objectionable. I consider it objectionable that those holders of land of the value of 5*l.* should be relieved altogether from the payment of poor-rates, while there is another class of holders liable to taxation, whose land is heavily subject to annuities, mortgages, and other charges of that kind. But that description of persons is liable to similar demands on account of grand jury cess and other local payments. No doubt it is a great evil, a great grievance, and the greater the charge the greater the grievance; but I can find no remedy except that of excluding them altogether from such payments. I trust the Government will do what they can for a fair investigation of the subject to obviate the difficulty. As I shall have to address your Lordships on other parts of the Bill on proposing my amendments, I shall not now trouble you further upon this clause, which certainly involves the whole principle of the measure. I will not at present enter on the subject of the powers given to the commissioners and boards of guardians. Should this amendment be carried, it is not desirable that those powers should be given either to commissioners or guardians; but if it should not be carried, and if we are to act on the principle of the workhouses, I should submit that, in the existing state of Ireland, it is absolutely necessary that we should give those powers to the commissioners, and also to the boards of guardians. At the same time I think that a reference to the clauses of the Bill will show that in reality the commissioners have no power of taxation. They have the power of incurring expense in the ordering of workhouses, the employing officers, and other matters of that description; but any expense which they think proper to order must be paid under the direction of the guardians; it is the guardians, not the commissioners, who have to levy the rates.

June 7, 1838.

In committee on the Bill,

THE DUKE OF WELLINGTON said:

I will now propose to your Lordships clause C, which is as follows:—

'And be it enacted, that the Commissioners shall furnish to every board of guardians, for the use of the master or other principal resident officer of every workhouse, one of such register-books, at a reasonable price, the cost whereof shall be borne by the union in which such workhouse shall be situate; and every such master or officer shall, as soon as conveniently may be, register in the said book the particulars required to be registered according to the form in the said second schedule, touching every person to be admitted into and relieved in such workhouse.'

Clause agreed to, and ordered to stand part of the Bill.

THE DUKE OF WELLINGTON:

I have now to submit to your Lordships a clause, the object of which is to localise the expense. My first intention was to fix the expense of each pauper on the townland on which he might be registered; but it has been represented to me that the townlands are very unequal in their size, that some of them are very small, and also that the owners of such townlands might be entirely ruined by the paupers on the land being made chargeable on that townland on which they may be found resident at the time of applying for admission into the workhouse. It became, then, my duty to fix on some other means to carry out my object. I find, also, that the parishes and baronies are quite as unequal in point of size as the townlands, and that by adopting either of those the expense would not be sufficiently localised, neither would the inhabitants of the barony have an interest in localising the expense, and in endeavoring to prevent the people from becoming paupers; it therefore occurred to me that the best mode of effecting my purpose was to adopt the electoral district. Every union will have from fifteen to twenty electoral districts; and I do think that these will form localities sufficiently small to insure all the purposes which I had in view when I first thought of fixing the locality on the townland. I think there will be little difficulty in finding out where the pauper resides, and the expense can then be thrown on that townland. There can be no doubt that to localise the expenses will be the best method of reducing them. A case in illustration of this has within the last few days come to

my knowledge. I have received an account of the expenses of a lunatic asylum in Ireland. The cost of building it was 13,000*l.*, though the estimate did not exceed one half that sum, and ninety lunatics are maintained there at an expenditure of 2000*l.* yearly. I have inquired what would be the expense of maintaining the same number of lunatics in the neighbourhood of London, and I was told just half that amount. The conclusion to which I have then come is this, that, the asylum being supported out of the purse of the country, individuals have no object in keeping down the expense. Now, I do not mean to say that by diminishing the expenses of lunatic asylums, by localising those expenses, fewer lunatics would come into the asylum; but I do contend that the plan I propose, of establishing a local interest in keeping down expenses of workhouses, will occasion a great decrease of paupers in each electoral district. Under these circumstances I submit the clause to your Lordships' consideration.

The clause was then read, as follows:—

'And be it enacted, that the board of guardians of every union shall cause accounts to be kept of the expense incurred in respect of the persons relieved in any workhouse within such union, and such accounts shall be made up at the end of every six calendar months; and the board of guardians shall charge against the electoral division as formed by virtue of this Act, at the end of such period, the proportion of such expense as shall appear to have been incurred in respect of every person so relieved who shall be stated in the registry to have been resident within any townland included in such electoral division; and the expense incurred in respect of every person so relieved, and not stated in the registry to have been resident within a townland situate in some electoral division of the union, shall be borne by and charged against the whole union: provided always, that it shall be lawful for the guardians elected for any two or more electoral divisions within any union, by writing under their hands, to agree that all charges in respect of destitute poor persons resident within such electoral districts respectively shall henceforth be borne in common by such electoral districts; and in such case such agreement, having been first signed by said guardians, shall be signed and sealed by the commissioners, and one part thereof deposited with the commissioners, and a counterpart or counterparts thereof, signed by the said guardians, and signed and sealed by the commissioners, deposited with every clerk of the peace of the county or counties in which the said union shall be situate; and every such clerk of the peace shall, and is hereby required, upon the receipt of such agreement, part, or counterpart, to file the same with the records of such county; and from and after the depositing and filing of such last-mentioned agreement and counterpart, the same shall be for ever binding upon such electoral divisions, and shall not be revoked or annulled, anything hereinbefore contained to the contrary notwithstanding.'

Clause agreed to.

June 19, 1838.

WAR IN SPAIN.

The Marquis of LONDONDERRY moved for various returns connected with the war in Spain, and the interference of Great Britain therewith.

Viscount MELBOURNE vindicated the policy of the British Government.

Lord LYNDHURST, the Earl of CARNARVON, and the Marquis of LANSDOWNE having spoken,

THE DUKE OF WELLINGTON said:

My Lords, I believe that some of your Lordships may expect that I should state my opinions upon the present situation of this question; and I confess that I feel it necessary to make a few observations in consequence of what has fallen from the noble Marquis who has just addressed your Lordships. The noble Marquis has stated, and stated very truly, that it would have been very desirable to have avoided any interference on the part of foreign powers between the two parties which were contending in Spain; and in point of fact it has been admitted by the noble Marquis that the only effect of foreign interference has been to tend to exasperate parties there, and to render more dreadful and more fatal their disputes, their differences, and their dissensions. I will not, on this occasion, refer back to the question of disputed succession in Spain. I am perfectly satisfied, as it was stated by the noble Viscount at the commencement of this discussion, that that point has nothing to do with the question. That was not the reason for any interference by the Government of this country; but I am afraid, notwithstanding what has been stated by the noble Marquis on this subject, that the system of interference adopted by his late Majesty's Government, by means of the Quadruple Treaty, was with a view to the contest between extreme opinions, that it was more with a view of aiding these extreme opinions than to the arrangement of the mere differences between Don Carlos upon the one side, and the Queen or her daughter upon the other; and that to support certain opinions, and not to determine the succession, was the cause of interference. I regret interference upon that ground; I object to interference upon that ground; and I say, moreover, that we were not right in interfering upon that ground. I maintain that, more particularly on account of the extreme opinions that prevailed, we ought not to have interfered at all; but most especially we ought

not, according to the common practice of this Government, and in accordance with the declared political principles of the noble Lords themselves, to have interfered in a question involving extreme political opinions. Now it has unfortunately happened that extreme political principles have been forced upon a great part of Europe by means of large armies and of great military forces, and it was consequently expected that the same thing would succeed in Spain. This, I believe, was the object of our interference with Spain, and not to determine the Spanish succession. I believe this was the reason for our interference in these unfortunate Spanish differences. I say we had no business to interfere in the question of succession. There might have been some pretext for interference in the question of succession if any of the powers of Europe had taken part with Don Carlos; but that was not the case.

Lord HOLLAND: Hear, hear!

THE DUKE OF WELLINGTON:

The noble Baron cheers. I say, confidently, that not one of the powers of Europe had stirred a finger in support of the pretensions of Don Carlos. I say, then, that, according to all principles—the principles supported and acted upon by this country, in the case of the House of Braganza, and many other cases that I could now mention—we ought to have avoided interference, and we ought to have avoided the interference by armies more particularly, in the contests in Spain. I say, my Lords, that not a sword had been moved in Europe in favor of Don Carlos. When Don Carlos went to Spain, in the summer of 1834, there were not three battalions in arms in that country in his favor. This I positively state as a fact. But, on the contrary, in the space of forty leagues there were forty fortified posts in possession of the Queen's troops. Now, my Lords, this is a positive fact; and I say that, in the year 1835, when the armistice was negotiated—when the exchange of prisoners was negotiated by Lord Eliot—Don Carlos had then acquired a superiority over the Queen's forces, who were obliged to take up a position on the right of the Ebro. That is to say that, between the interval of time I have mentioned—and this is a positive fact upon which your Lordships may rely, and to which I pledge my word—that, between the summer of 1834 and the period at which the exchange of prisoners was agreed upon in 1835, that is, in the course of a very few months,

the superiority had been gained by Don Carlos in that part of the country, so far that he had forced the enemy to take up a position on the other side of the Ebro, abandoning all their fortified posts except Pampeluna and one other; and, I must add, they had very wisely abandoned them, because they found they could not march to their relief through the country. Now, my Lords, this is literally and truly a fact; and it is a fact not to be forgotten with respect to the present contest in Spain. I say, then, that it was the business of this Government not to have interfered by force. We ought not to have done so, according to the noble Marquis's principle, that there ought to be no interference between two hostile parties in a nation like Spain. The noble Lords opposite, then, seeing the state to which the contest had been brought, and seeing that, merely by the influence of the English name, we had established a convention for the exchange of prisoners,—seeing this, it was, in my opinion, their duty by all means to have avoided an interference in the contest. They should have confined their operations to the moral influence we had established. They ought to have continued that course of action; and I say that, if they had done so, the result must have been the most favorable for the establishment of any party to which the noble Lords might have attached themselves. That has been, all along, my opinion. I have stated it before, and I now assert it again, that, had the Government continued that course of policy which was adopted by their predecessors, who were in office for a few weeks only, they would, before this, have been able to interfere in such a manner as would have led to the settlement of the question. No man will venture to say that Don Carlos has not met with misfortunes, or that his affairs have never been in a state of adversity. In what state are they now, for instance? But I want to know if the noble Viscount opposite is in a state to take advantage of the difficulties of Don Carlos at the present moment? Can he have any communication with Don Carlos? Can he have any influence over Don Carlos, or the party acting with him? Or can he say a word to him in any one way in his present or any other adverse situation in which he may be placed? It is absolutely impossible.

The noble Viscount has told your Lordships, certainly, that he sent out an expedition, and the noble Marquis has informed us that it has always been the policy of this country to encourage such expeditions. Now, without meaning to assert that the result

of that expedition was a dire catastrophe, I must be permitted to say that the Legion has been, in my opinion and conviction, a complete failure. It has cost the Spanish Government an enormous sum of money. Great expectations were raised respecting it, not one of which has been fulfilled. When the Legion went to Spain, the Queen of Spain's army was in all the provinces, with the exception of Biscay and Navarre. Her Government was established in all parts of Spain excepting these places. Excepting them, all other places might be said to be in a state of tranquillity. But it appears the Queen of Spain could not carry on the war unless she got 10,000 Isle of Dogs men, a legion from England, and another from France. If the Spanish Government had asked for officers, or for arms, or for money, or for artillery, I should not have been surprised, as I know well the manner in which the Spanish arsenals are supplied. But asking for 10,000 men from England to destroy Don Carlos, who was shut up in the mountains, was a matter really not to be seriously thought of. The object was not to bring 10,000, or 15,000, or 20,000 men into action, but to bring the red coats and the blue coats, the French and the English troops, into the contest: that was the object, and the view was to produce a moral effect. But the Government ought to have known that that which gave them the influence on the one side was fatal to that influence on the other. Thus was an end put to that moral influence which this country could and ought to have exerted, but which can only be effectually exercised by strict adherence throughout all her proceedings to the plain principles of justice. If this country enter into a treaty, let her carry it honorably through; but let her not push her interference further than is necessary for exerting her influence over both parties in order to settle existing differences. I have said that the Legion was a failure. Of that there cannot be the slightest doubt. The war is now in the same state as it was in the year 1835, except that Don Carlos has more men. I would strongly advise Her Majesty's Government to alter their course; I would advise them to adopt an honest course of neutrality, and see whether they cannot in that way put an end to the contest. What are they doing? They are keeping possession of Passages, and, in consequence thereof, keeping France in a state of jealousy. They are also, by the same means, keeping in a state of suspicion and jealousy the whole of the north of Spain, for the people of

that country do not like to see England in possession of a position which it might be a convenience to her hereafter to retain. Supposing they were to quit Passages, and Don Carlos were to take possession of it the next day, there would be nothing to prevent the Queen of Spain from communicating with Santander, Bilboa, and St. Sebastian, letting Don Carlos, at the same time, have Passages if he pleased. To keep possession of such a port as Passages is of no use to this country whatever, except as an indication that there we are as parties to the contest; while, on the other hand, it prevents us from assuming our proper position in the affairs of that country, which is that of neutrality; of course I mean the neutrality we are bound to observe by the treaty. I would have us to occupy a position which should enable us to exert a fair influence over both parties, with the view to bring this long-protracted contest to a satisfactory conclusion, and to establish peace in Spain. My Lords, I have said what I have on this subject with a desire to see the object of Her Majesty's Ministers accomplished; that is to say, to see peace established in that country under the Government of the Queen of Spain, as it exists, or under any reasonable system that can be established, providing for the privileges of the Biscayans as well as of all others; with a wish to see this country take her proper position in the question, and earnestly set to work to put an end, if possible, to this miserable civil war, the details of which are the most disgusting that I ever heard of! My Lords, I am sorry to have intruded upon you so long, and I thank your Lordships for the attention you have given me.

June 25, 1838.

APPOINTMENT OF SHERIFFS IN IRELAND.

Lord LYNDHURST in a long address, called the attention of the House to what he considered the defects of the existing system of appointing Sheriffs in Ireland.

The Earl of MULGRAVE, Lord BROUGHAM, Lord PLUNKET, Lord ABINGER, the Lord CHANCELLOR, the Marquis of CLANRICARDE, Viscount MELBOURNE, and Lord DENMAN having spoken,

THE DUKE OF WELLINGTON said:

I beg to congratulate your Lordships on the conclusion to which you are about to bring this discussion. If the question had

gone to a vote, I should have recorded my concurrence in the amendment of the noble Marquis; at the same time I am for inquiry, for I agree that it is fit to put the law on the subject on a certain footing. I think that the public owe great obligations to my noble and learned friend for the manner in which he has brought forward this question; and the people of Ireland will have to thank him for putting the appointments to the high and important office of sheriff on a sure and permanent basis. I will not enter into the question of what the law is, but beg merely to remark that my right honorable friend Sir R. Peel, when Secretary for Ireland, made it a point to put the nomination of sheriffs in that country on the same footing as it stands in England. For many years the system was acted upon with great satisfaction to the Government and the country at large. It is true that since then it has been more than once departed from, and by more than one Lord-Lieutenant; but it is most curious that, notwithstanding that the system was laid down by Mr. Peel, and adopted by several Lords-Lieutenant, even to this day there is not an understanding between the Lords-Lieutenant and the judges as to the duties of the latter, the Lords-Lieutenant insisting that the judges should get their information as to the list from the sheriffs, while the Chief Baron contends that he will get his information from his own sources, and not consult the sheriffs at all. Abuses have crept in from time to time, and your Lordships have heard this night that during the last three years there have been twenty-two cases of appointments of sheriffs with which the judges had nothing whatever to do. In the county of Monaghan one sheriff was removed because he wished to appoint a particular sub-sheriff; and the two others on the list were passed over and another appointed whose brother had a most important case then pending for trial. Such a system as this needs inquiry and amendment.

July 9, 1838.

THE UNIVERSITIES.

The Earl of RADNOR asked whether any steps had been taken in the universities for the purpose of effecting a reformation in their statutes?

THE DUKE OF WELLINGTON said:

The noble Earl commenced by adverting to what passed in this House upon this subject on a former occasion. The noble

Earl, however, has not quoted accurately what passed on that occasion, and I will therefore remind your Lordships what did then pass, because it is essential that your Lordships should be acquainted with what so took place, as it rather tends to throw a light on the questions put by the noble Earl. The noble Earl, in the course of the last Session of Parliament, proposed to your Lordships a Bill for the purpose of creating a Commission of Inquiry into the Statutes of the Colleges of the two Universities of Oxford and Cambridge. In the course of the discussion which took place on that Bill, which was ultimately rejected by your Lordships, a Right Reverend Prelate, who has distinguished himself as the head of a college at Oxford, proposed that some inquiry should take place into the statutes. Your Lordships, however, not only rejected the Bill of the noble Earl, but also the Right Reverend Prelate's proposition for an inquiry. On that occasion it appeared to your Lordships that it would be desirable that the statutes of the universities, as well as of the several colleges of which they were composed, should be revised and reconsidered with a view to such alterations as could be made. The noble Earl, however, after the rejection of his Bill, thought proper to bring forward his measure in another shape, and, instead of a Bill creating 'a Commission,' proposed the appointment of a Committee of your Lordships to inquire into the various statutes of the universities. Previous to the noble Earl's motion for that Committee I had some conversation with the heads of the University of Oxford, and I was assured that there existed a desire to review those statutes, and that the work was actually in progress. I think that this is a correct outline of what passed; and the noble Earl has now come forward, as he says, to inquire what progress has been made. Now the noble Earl has not only asked, but has answered, his own question. He has, however, called for details as to the progress which has been made, and has applied to me to give him an answer, which he expects will correspond, as I suppose, precisely with the information which he has received. The noble Earl, then, has answered his own question; and not only so, but he has been pleased to comment on what has been done at the universities. It appears, according to the noble Earl's own showing, that the universities have done something, and I can tell the noble Earl that more has been done than he has mentioned. It seems, however, that what has been done is not satisfactory to

the noble Earl, and he has been pleased to comment in very strong terms upon this commencement, for it is only a commencement, of reform; and, as if he had not commented strongly or severely enough upon what has been done, he has been prompted by one of Her Majesty's Ministers, the noble Baron the Chancellor of the Duchy of Lancaster. Now I think that the Universities of Oxford and Cambridge have a right to look for protection against such comments as the noble Earl has made on those alterations which have already been carried into effect; and, at all events, Her Majesty's Ministers ought not to prompt and encourage the noble Earl in making these comments. It appears to me that the noble Earl has answered his own question; but I will, however, state that all which has been done has not been adverted to. The noble Earl has referred only to what has actually passed; but he should not forget that many laws have been considered by the board of heads of houses and by the several colleges, and I think I may safely affirm that the University of Oxford has been by no means idle in the prosecution of its objects. I must protest against this House entering into a consideration of these bits of statutes on the present occasion, and I will give no answer to the Noble Earl's remarks upon them. I call upon your Lordships to allow the University of Oxford to proceed with the revision of their statutes, with a view to make such alterations as shall appear to the authorities of the universities proper to be carried into effect. I call upon your Lordships, after this work shall have been completed, if it should not appear to you to have been executed in a satisfactory manner, to express such opinion and adopt such course as may seem most proper to your Lordships; but I insist upon it that it is not fitting for any Members of this House, and particularly by a vote, to interfere with measures which the House of Convocation have now an opportunity of taking into their consideration. With respect to the colleges, I understand that several of them are in communication with their respective visitors and fellows, with whom they must communicate in order to make effectual reforms in their statutes. They are going on as well as they can do at the present moment, and I entreat your Lordships to let them work out those reforms as they think fit; and if they be not executed in accordance with your Lordships' wishes, it will then be time for this House to take such steps as may seem to be necessary.

The Marquis CAMDEN, the Bishop of LONDON, Lord HOLLAND, and Lord BROUGHAM having addressed the House,

THE DUKE OF WELLINGTON said:

I beg leave just to remind the noble and learned Lord of that which both he and the noble Earl opposite (the Earl of Radnor) appear to forget, that by no statute can the university make any laws contrary to the law of the land. This conversation shows the inconvenience of discussing a great question by little bits, and on mere corners of subjects not fairly brought before the House. I am sure the principle I have stated is correct, namely, that the university has no power to make statutes contrary to the law of the land.

The subject dropped.

July 10, 1838.

BLOCKADE OF THE SPANISH COAST.

Lord BROUGHAM moved an address for copies of any orders issued by the Admiralty touching any warning or prohibition against an entrance into the Spanish ports by Sardinian or other vessels, and of any warning or notification addressed to neutral Powers accordingly.

Viscount MELBOURNE declined to assent to the motion, on the ground that it would be impolitic and imprudent to give the papers.

The Earls of RIPON and MINTO having addressed the House,

THE DUKE OF WELLINGTON said:

I can assure your Lordships no man feels more strongly than I do that, if any officer in high command has betrayed the confidence reposed in him by the noble Earl opposite, or by Her Majesty's Government, such officer is not one of those who deserve the just reputation which belongs to Her Majesty's navy. But I do not believe that the noble Earl will find in that service, at least as far as I am acquainted with it, one single man who is capable of betraying whatever confidential instructions are delivered to him by the noble Earl opposite on the part of the Crown. It should not be forgotten that such instructions may occasionally come to be known without any participation on the part of the officer to whom they are confided, and I believe the officers in Her Majesty's service to be as incapable of betraying their instructions as any member of Her Majesty's Cabinet. Having said

thus much, I must observe that the present question is not exactly one of blockade; and I confess that I am much surprised, from what I know of this subject, that any question as to blockade should arise on the second article of the treaty. If I am not mistaken, I had a discussion with the noble Viscount opposite (Viscount Melbourne) somewhere about twelve months back, and I then stated that there could be no such thing as a blockade under this treaty, and in that opinion the noble Viscount, after inquiring into the matter, concurred. Therefore the motion of the noble and learned Lord opposite does not originate, as has been contended, in a question of blockade, but it originated in the first instance upon a statement made by my noble and learned friend who spoke from the benches behind me (Lord Lyndhurst), and next on a statement made by the noble Earl opposite himself, the First Lord of the Admiralty—a statement which the noble Earl has again repeated to-night—that he should consider himself justified if he had issued the instructions in question in case it should be found that any foreign power was about to send arms to Spain; and now to-night the noble Earl comes forward and endeavors to justify his instructions in reference to the second article of the treaty. The noble Viscount at the head of the Government deprecates this motion, and has entreated your Lordships not to agree to it, on account of the prejudice it may produce to the operations of Her Majesty's Government with regard to the proceedings now carrying on in Spain. The noble Viscount says that the present motion will stir up a question that is exceedingly inconvenient to Her Majesty's Government. Now, certainly I am not disposed to create any inconvenience to the Government on a question of this kind; but I beg to ask, Is the country to be drawn into a war on the score of the words of a treaty, which are stated by the noble Earl to mean that this country is bound to give the aid of a naval force under this article as under a treaty of defence? That, I am sure, was never intended to be the meaning of this article. It has never been so construed, and has never been so acted upon by any Government or any of the noble Earl's predecessors. Now these are the words of the article:—First of all there is a preamble, 'That recent events in the Peninsula make new measures necessary;' then it states that the King of the French engages to take such measures as will prevent succours of men and arms entering Spain from the French territory, and

the King of the United Kingdom of Great Britain engages to supply Her Majesty the Queen of Spain with such arms as she may require, and further to assist Her Majesty, if necessary, with a naval force. From this article can it be said there is any engagement to furnish the Queen of Spain with a naval force under all circumstances, and to defend her state against invasion? No, certainly not. The naval force there mentioned intends no blockade at all; for, there being no war at the time, there could be no blockade; but it was intended to aid the Queen of Spain (as it was first used) in the transport of troops and succours from one part of the Spanish coast to another. In short, it is required for the purposes for which a naval force in time of peace is usually employed; but the object of the treaty never was to involve this country in a war; it was never so taken to be by Parliament when it was communicated to them; it was never so stated until the noble Earl the First Lord of the Admiralty said so this evening. It is therefore, I think, necessary for your Lordships to intimate that the words of the treaty mean a naval force to carry troops, &c., for the Queen of Spain, but for no other purpose. I also think that the House ought to have some further information, in order precisely to know in what position the country stands, before any further proceedings be taken in this matter.

The Earl of CARNARVON, the Marquis of LANSDOWNE, the Earl of ABERDEEN, and the Marquis of LONDONDERRY having spoken,

THE DUKE OF WELLINGTON said:

I cannot permit the House to come to a division on this subject without addressing a few words to your Lordships in consequence of what has fallen from the noble Marquis opposite, who has stated that this is a question of policy upon which addresses have been delivered that are very improper and very inconvenient to the public service. But this is a question of treaty. The noble Earl at the head of the Admiralty has stated it to be such. The noble Lords opposite ought to make themselves clearly understood on that point; and I entreat them not to send the House away with the notion that we are calling for papers which it will not be convenient for the Government to make public. They ought to explain what they mean by the obligations of the treaty. If there be a defensive treaty, as stated by the noble Lords, let it be shown to be so. Are we, by words or by implication, to be involved in a

treaty either offensive or defensive, and have no power to ask a question as to the obligations of the treaty, let what will happen? Suppose a quarrel were to take place between the Queen of Spain and the King of Sardinia, we should be bound to go to war. . The noble and learned Lord gave sufficient notice of his motion, and of the very terms of his motion, and the noble Lords opposite ought to be prepared with an answer. They ought to say something which might induce the House to avoid putting the Government to any inconvenience, and to explain what is the meaning of this treaty with respect to this paragraph, of which the noble Earl has thought proper to give something in the shape of an opinion.

The Earl of MINTO said a few words in explanation.

THE DUKE OF WELLINGTON said:

The noble Earl is at the head of the Admiralty, but he cannot have given his instructions without first receiving them from the Secretary of State. The noble Lord may come down to the House and give what version he pleases with respect to the obligations of the treaty; but when he comes to these instructions, he ought to look twice at the subject, for he must be quite sure that he had received them from the Secretary of State before he gave them.

Viscount MELBOURNE and Lord BROUGHAM having spoken,

THE DUKE OF WELLINGTON said:

The noble Lord stated that the instructions were founded on the treaty, and he said that it was impossible that your Lordships should not call for the papers in order to see whether the instructions were connected with, or founded on, the treaty, and whether, in fact, we were bound by the treaty. The noble Viscount has since stated that he did not concur in that view of the case; that he considered the view which I and my noble friend near me have taken of the nature of the treaty to be a correct view; and that the Government was not bound by the terms of that treaty to issue such instructions as those adverted to. The noble Viscount has declared that it would be detrimental to the public service to produce the instructions. Now I do not approve of the policy of those instructions, and, except what I have heard of them in the debates of this House, I know nothing of those instructions; but, as far as I understand, they never have been acted on, and I think

it most likely that they never will be. Under these circumstances, I confess that I feel induced to ask your Lordships not to call for the papers which the noble Viscount has declared it would be detrimental and inconvenient to the public service to produce.

Motion lost on division.

July 12, 1838.

AFFIRMATION BILL.

Lord DENMAN moved the Order of the Day for the House going into Committee on the Affirmation Bill.

THE DUKE OF WELLINGTON:

I fear that, unless great circumspection be used, this Bill will have the effect of encouraging a species of inferior evidence in judicial cases. It is my opinion that those who mean to avail themselves of the provisions of the Bill should previously procure a certificate setting forth their scruples, which certificate should be granted without expense, and should be renewed annually.

Lord DENMAN assented to the proposition.

After some discussion, in which Lords DENMAN, ASHBURTON, and ELLENBOROUGH, the Earls of HADDINGTON and WICKLOW took part,

THE DUKE OF WELLINGTON said:

It is perfectly true that on a former occasion I expressed an opinion that a Bill of this nature might be with propriety applied to certain persons who have been Quakers, Moravians, or Separatists, but who have separated themselves from those classes, while they still have this feeling with regard to an oath. But I never thought of extending the privilege to all mankind. I must remark that the judges of the land have not given an opinion in favour of this Bill; and the judges, who are in the constant habit of hearing evidence, ought to be the persons above all others who should be competent to form an opinion upon its merits. I shall certainly vote against the Bill, unless it be known that it is the opinion of the judges of the land that the Bill ought to pass, because on such a subject my opinion will be governed by theirs. A noble Lord connected with Scotland has expressed a desire to have the opinion of the judges of Scotland on the subject; and

another noble Lord, connected with Ireland, has stated a wish to be made acquainted with the sentiments of the Irish judges on this question. It is indeed a subject connected with the administration of justice, upon which the judges are more competent to form an opinion than any other persons. For my own part I will not, before I know the opinion of the judges of this country, where justice still remains, give my assent to a measure which may deprive justice of its main foundation—its truth.

The Bill went through Committee.

July 17, 1838.

PARTISAN MAGISTRATES.

Lord WHARNCLIFFE moved for returns connected with the insertion of certain names in the Commission of Peace for the West Riding of Yorkshire, on the ground that the appointments were tainted with partisanship.

The Lord CHANCELLOR (Cottenham) vindicated the appointments.

THE DUKE OF WELLINGTON said:

I wish to remind your Lordships of what passed on this subject a few days ago, when the noble and learned Lord stated, in answer to my noble friend, that he considered it to be his duty to canvass, by way of inquiry, with respect to proper persons to be appointed to the magistracy of the county of York. On that occasion I, differing from the noble and learned Lord, said that such a proceeding was not quite fair towards the Lord-Lieutenant. To canvass first, and then to go to the Lord-Lieutenant and ask him whether certain persons, already recommended, are fit and proper individuals to be put into the commission of the peace, is not fair towards the Lord-Lieutenant, because he is placed in a situation to reply whether the person proposed is proper or not, and to say he is not proper for this reason or for that, while he is liable to all the consequences of giving this private and confidential information. I confess that I, for one, can have no confidence in such a description of inquiry. I cannot write in confidence to a person, knowing that I may hereafter be called on to state the reasons for the opinion I give. I imagine that individuals to be canvassed and consulted in the way alluded to must be people of a low description—not the gentlemen of the county, not men of property and influence, but persons of the lowest description. I have

stated that this must be the case. I noticed three cases which had occurred to myself, in every one of which I was positive in asserting that the noble and learned Lord could not have received the recommendations from the persons of character and consideration in the county. With regard to the first case alluded to by the noble and learned Lord, I pointed to a gentleman against whom I had nothing to say. He is a brave officer, and has served with me, and has done himself honor. But when that person was bound over to keep the peace, I certainly did feel that I could not recommend him to be placed in the commission of the peace. With respect to the other case to which the noble and learned Lord has alluded, I stated the objections which I entertained to the appointment of that individual, namely, his being a partner in a house of business in the city. I stated those objections twice to the noble and learned Lord, and I wish distinctly to observe that I objected to those gentlemen on no party or political grounds. When I have been called upon to recommend a list of magistrates, I have ever recommended all who were recommended to me; and in February I acted on that principle, and excluded no one except the gentleman who was stated to be guilty of barratry, and the gentleman who was a sleeping partner in a house of business. There was therefore no exclusion in the list which I sent up to the noble and learned Lord, except in the two cases to which he has alluded, and for the exclusion of those two persons I stated my reasons to the noble and learned Lord.

Now, what is the law on this subject? I will read a short extract to your Lordships, which is very plain and very short, and shows distinctly who the persons are who ought to be appointed to the magistracy. The law says that 'the justices of the peace must be good and loyal men, no maintainers of evil, and of good character in the county. They must be selected from men of the best reputation in each county, and some should be learned in the laws. They must be knights, esquires, and gentlemen of the land resident in the county, and the qualification for the office ought to be an income of 100*l.* annually, clear of all deductions. No practising attorney or solicitor to be capable of being appointed.' That is the law; and, even though I may have been mistaken as to the strict applicability of it to the case of the gentleman who has been alluded to as a sleeping partner in a house of business, yet I contend that the presumption is that such a person is not qualified, as

the law stands, to be appointed. What I contend for is, that the magistrates should be selected, and that individuals recommended by all sorts of persons ought not to be appointed. Such is the obvious meaning of the law, which clearly shows that the most respectable and influential men in the county are the persons to be selected as magistrates. With respect to the principle which the noble and learned Lord has laid down in regard to applying to the Lords-Lieutenant for information in reference to persons recommended to him, I must say that, if those persons are rejected, the odium of that rejection rests with the Lords-Lieutenant; and I think it is too hard to compel the Lords-Lieutenant to state why they consider certain persons unqualified for the office of the magistracy. The power of the noble and learned Lord to appoint the magistracy is not questioned; but the noble and learned Lord thinks fit to go among persons whom I conceive to be improper in order to obtain information, and then applies to the Lord-Lieutenant to know why certain persons have not been recommended. That is a course which I consider highly objectionable; and nothing, in my opinion, can be more calculated to injure the character of the magistracy than such a proceeding. The noble and learned Lord has said that there was no objection to any of the names placed upon the borough list which have been alluded to; but since the previous night's debate on this subject I have received some information with regard to that list, which I will put into the hand of the noble and learned Lord; and I beg the noble and learned Lord to look into that communication, and then judge whether he was not likely to have been deceived by the mode which he adopted to obtain his information. I will place that communication in the hands of the noble and learned Lord, with the hope that it will open his eyes to the bad effects likely to arise from seeking to obtain information from the description of persons to whom I have alluded, and who, I contend, are unqualified to give a sound and impartial opinion on the subject. I will insist that the law intended—and Parliament has expressed its decided opinion on the subject—that those officers ought not to be political, and that the magistrates ought not to be selected from party or political motives. Parliament has clearly declared its opinion on this point by a clause in the English Corporation Bill. An attempt was made to give, by that Bill, a power to the corporations to recommend the magistrates to be appointed for those corporations;

but, by a clause which was moved in this House, and agreed to in the other House of Parliament, it was decided that the corporations should have no such power. I am aware that a noble Lord in the other House contended for extending such a power to the corporations, but Parliament decided otherwise, and held that the magistrates should not be selected from political motives, and that they ought to be kept, as far as possible, clear from party. Such is the law, and such is the declaration of Parliament; and I contend that the principle upon which Parliament has acted is the only principle by which we can secure the pure administration of justice. I am always unwilling to enter upon such discussions as the present, as I am aware that they are generally painful, while they lead to no useful results. The noble and learned Lord has signified his intention of persevering in the same course which he has hitherto pursued. Be it so; and all that I will say is, that, as a *custos rotulorum*, I cannot prevent myself from feeling a strong want of confidence in such a mode of performing the duties of his high office as the noble and learned Lord has described. My object is to have men of respectability appointed to the magistracy; and your Lordships may assure yourselves that the public will ultimately feel that those who wish to keep the magistrates clear of party, and uninfluenced by political motives, and to select the justices of the peace from the persons of the greatest influence in the counties, are the best friends of their country.

Motion withdrawn.

July 26, 1838.

CHURCH DISCIPLINE

The Lord CHANCELLOR (Cottenham) moved the third reading of the Church Discipline Bill.

The Bishop of EXETER and Lord WYNFORD opposed the Bill, which was supported by the Archbishop of CANTERBURY, Lord BROUGHAM, and the Bishop of LINCOLN.

THE DUKE OF WELLINGTON said:

I am not at all astonished that the Most Reverend Prelate should press your Lordships to pass this Bill now, during the present Session. It is above ten years since the subject to which it relates was under consideration by a Committee of your Lord-

ships' House, and I am not therefore astonished that the Most Reverend Prelate, after having seen several attempts made to pass a measure on this subject, and after having seen the failure of all those attempts—I am not, I say, under those circumstances, surprised that the Most Reverend Prelate should have thought it expedient to prevail upon your Lordships to pass this Bill, or that he should have requested the noble and learned Lord on the Woolsack to prepare and bring in such a Bill. I must confess, however, that, considering the importance of the subject, and the lateness of the period at which the measure has been brought forward—considering, too, that this is the first occasion on which the House has had an opportunity of deliberating on the Bill—and considering, again, the difference of opinion that prevails upon the Right Reverend Bench—I am most anxious, keeping all these circumstances in view, that your Lordships should postpone the measure till some future time. Having listened with the greatest attention to the discussion which has this evening taken place, I am obliged to confess that I have heard no answer to some of the most important objections that have been urged against the Bill by the Right Reverend Prelate who moved that the third reading should be postponed for six months. In the first place, I do not think it is quite clear that the *forum domesticum*, which the whole of the Right Reverend Prelates admit should still continue to exist, could exist were the Bill passed, and the sixth clause remain unaltered. It is said that there may be doubts as to whether that clause does not deprive the Bishops of their authority in this particular court; but surely, if such doubts exist on a point of so much importance, they ought to be cleared up, and it ought fully to be understood what authority will remain to the Bishops should the Bill pass. This, then, is an argument for delay, and for more mature deliberation. The Right Reverend Prelate who commenced this debate read to your Lordships a letter from the principal commissioner, who is stated to have framed the Report on which the Bill is founded, and whose opinions are entitled to the highest respect, and it seems that he also thinks that the *forum domesticum* ought to be preserved. It appears, further, that in the first Bill which was introduced on this subject certain words were inserted which tended to secure the authority of the Bishops and the continuance of those courts; but, for some reason which has not yet been explained, those words have been omitted

in the present Bill, and I cannot but doubt the propriety of that omission. I therefore think that your Lordships ought to pause before proceeding further with the measure, which, in my estimation, requires more mature deliberation than it has yet received. Then I must confess, also, that I have great objections to the clause which has been alluded to by the noble and learned Lord near me (Lord Wynford). I can see no reason for the extraordinary provisions of that clause, nor can I approve of the principle upon which it is framed. It may be proper to provide for the payment of costs, but it is only when all other means have been tried, and every other source exhausted, and not till then, that those costs should be made to fall upon the property of another, on the property of persons who are innocent, namely, the patron of the living, or the incumbent succeeding the delinquent. I never can consent to the Bill without a material alteration in the clause to which I allude. But, considering that that objection is a mere trifle compared with others that have been urged, and considering that by far the most important provisions of the Bill are contained in the first and second clauses, to which your Lordships' attention has scarcely been directed, I would decidedly recommend the postponement of the measure till the next Session of Parliament.

Bill postponed.

July 27, 1838.

MUNICIPAL CORPORATIONS (IRELAND).

Viscount MELBOURNE moved the third reading of this Bill.

The Bill having been read a third time,

Lord BROUGHAM moved the omission of certain amendments that had been introduced into the measure, as conceived in a spirit hostile to the Constitution, repugnant to the principles of the English Municipal Reform Act, and pregnant with the seeds of discontent and bitter disappointment.

THE DUKE OF WELLINGTON said:

I do not mean to follow the example of the noble and learned Lord, by entering into a discussion of the general principles of Government in respect of this Bill, but I shall confine my remarks to the Bill itself, and I shall make but one observation on what has been said by the noble and learned Lord, which is, that, when he came to propose a Corporation Bill for another part of the

kingdom, when he was sitting on that woolsack, and supported another on a subsequent occasion, he did not propose the one or support the other on the principles which he has urged against the amendments of my noble and learned friend (Lord Lyndhurst). In the first case the noble and learned Lord proposed a very large qualification, and in the other case it is true the qualification was but small, but it was accompanied by the conditions of residence for a certain period, and the payment of rates, and it is well known that a house is not rated unless it is of a certain value. But now the noble and learned Lord comes to the House and tells your Lordships to follow the example of England, and to let every man have a vote who pays a tax, forgetting the example of his own measure now in existence in Scotland. But that which it is your Lordships' business to provide for is a reform of the municipal corporations of Ireland, in which it is said that great abuses have prevailed, and in which it is clear that those views which the Legislature have formed many years ago, so far back as 1792 or 1793, have not been carried into execution. On these grounds it is that I have always considered it desirable to make an alteration in these corporations, and I think it right to avow fairly, as I have said before, that I consider that it would have been a better arrangement for Ireland to put an end to corporations altogether, and to have submitted the government of that country to the Sovereign of this great empire. I am now, however, willing to allow of municipal corporations to Ireland consistent with the general constitution of the empire, taking care that it shall be such a reform as will give security for the conduct of a large body of persons in that country, in whose hands power has been placed for some time past, but in whose hands, I am sorry to say, it does not subsist at the present moment. At the same time, therefore, that your Lordships are framing and carrying this and other measures, I have thought it my duty to assist in devising such a scheme as will insure a fair distribution of power, so as to give security to life and property, and to put an end to the perpetual disputes by which Ireland has been long kept in a state of agitation.

The noble and learned Lord and the noble Viscount opposite have complained of the amount of the qualification for the suffrage proposed by my noble and learned friend, and both have characterised it as a deception. Now I do not think it possible for any

man to state in more clear language than my noble and learned friend has done the principles upon which his amendments are framed. My noble and learned friend says that the qualification is of the same amount as the suffrage which exists in Scotland. He states also that certain deductions are to be made, and he mentions the authority for those deductions, founded upon Acts of Parliament, upon the instructions of the Poor Law Commissioners, and the charges of judges to juries upon this subject. It is impossible for any man to pretend that he is deceived as to the meaning of my noble and learned friend when he proposes a 10*l.* franchise. But the noble and learned Lord (Lord Brougham) and the noble Viscount think this suffrage too high. They do not, however, propose a lower one. The noble Viscount says that he would not propose to insert certain towns in the schedule of the Bill, but he would leave it to the towns themselves to ask for a charter of incorporation under the provisions of the measure. I think the noble Viscount does wisely in this. With regard to what the noble and learned Lord opposite has stated as to the effect of the English Municipal Bill, I must say, notwithstanding the panegyric passed by the noble and learned Lord, that I do not much admire those municipal corporations. It is very true that there is much more tranquillity in those towns than there used to be before the Act passed, that is to say, there is a certain watch and police who maintain tranquillity in the streets at a very great expense. But that is not necessary in Ireland, nor is it proposed to be done either by the Bill itself or the amendments to it. I believe, however, that, with respect to what is called social tranquillity, no such thing exists in those corporate towns, and that there is nothing but political squabbling and agitation from one year's end to another. I believe that that social tranquillity which some time back made England the most desirable place in the world in which a man could live is fast disappearing, and I sadly fear that before long the increase of political agitation will put in hazard the capital now in existence in this country. Then it appears that there is another point embraced in the amendments to which the noble Viscount and the noble and learned Lord opposite both object, and that is with reference to the permanency given to the existing Commissioners.

I do not exactly know to what the noble and learned Lord alluded. It is certainly true that the Commissioners for borough

charities are to be preserved by the amendments which have been proposed by my noble and learned friend (Lord Lyndhurst), and, for my own part, I consider that those very amendments are the best among those suggested by my noble and learned friend. I think that a gross mistake was committed in the English Municipal Corporations Bill on the subject of the borough charities, and I, for one, would certainly never have consented to leave those charities in the doubtful situation in which they were, in fact, left on the passing of that measure, if I had not believed that the noble and learned Lord opposite (Lord Brougham) would have been able in the then following Session of Parliament to propose a Bill for the regulation and management of those corporation charities. That, however, was not done; and since the Act passed the English municipal corporation charities have been, and still remain, under the direction of the Court of Chancery; and, as far as I have any knowledge on the matter from general report, I am sure that it is impossible for anything to be worse managed than are those charities, for they have in many instances been applied to purposes of corruption both in municipal and parliamentary elections. Such, at least, I have heard has been the case. I therefore rejoice that in this Bill it is otherwise provided, and that, until arrangements are made for the future management of the corporate charities, they are to be kept in the hands of the parties who held them up to the present moment. This provision follows, I believe, in all respects, the exceptions made in the Scotch Municipal Reform Act.

The noble Viscount opposite (Viscount Melbourne) has expressed his anxiety that, when this Bill comes back from another place with the alterations which may there be proposed, your Lordships will feel disposed to meet those alterations with a sincere desire to come to an agreement on the measure. I have no doubt whatever but that your Lordships will meet the views and wishes that may be expressed by the other House with every sincere desire to concur in them, if it be possible to do so consistently with your Lordships' ideas of what is most fit and most desirable for the interests of Ireland. But I confess that I should be very glad to hear of the noble Viscount or his colleagues exerting their influence to conciliate the feelings of the other House in relation to this branch of the Legislature. I should be glad to see an instance of this being done. I consider that in all our reforms care ought

to be taken—and I confess that the noble and learned Lord opposite (Lord Brougham), in all the measures that he has proposed, has taken care—that no vexatious tyranny should be exercised upon any individual; that no person shall be deprived of his property or his means of existence and living by the violence of a faction that may have, for the time, the upper hand. Now I must say that the noble Viscount and Her Majesty's Government ought to have taken care that, in consequence of this reform, no man should suffer or be destroyed by the success given, on this occasion, to the adverse party in the state. I mention this because there is scarce a day passes that does not bring me accounts from poor men, and from others, setting forth that they will lose their offices under these arrangements—that they will be deprived of emoluments to which they have a right to look forward (as rewards for services rendered by them) by the arrangements made under the Bill.

I will state one instance, with regard to which, I believe, a noble friend of mine intends to move an amendment—a case which came to me yesterday. The Lord Mayor of Dublin, who has served within a month or two of the whole period of his office, will, on its completion, as the law now stands, be entitled to receive 1000*l.* This remuneration he will lose by the operation of this Bill. But besides this, having served the mayoralty, he will be now entitled to the emoluments of the office for one year as President of the Court of Conscience. This is, again, in remuneration for his services in the civic chair; and all this he will lose by the operation of this Bill. Now it is well known that this House has no power to provide compensation, or to make any arrangement for satisfying claims of this kind; and I must contend that it is incumbent on Her Majesty's Government, when they bring forward such measures as the present in another place, to consider well these claims, and to take care that these individuals shall not become victims to these reforms, nor deprived of that remuneration to which they have every claim for services performed. I have troubled your Lordships much longer than I intended, but I could not hear what has been stated by noble Lords opposite without stating these few words, and declaring that I shall firmly support the Bill as it is now amended by my noble and learned friend. It will be my duty to attend to any future proposals that may come up from another place, where I do hope some consideration will be

manifested both for this House and for those who will still be the victims of the measure when passed into a law.

Bill ordered to be passed on the following Monday.

August 2, 1838.

IRISH MAGISTRACY.

The Marquis of LONDONDERRY complained of the manner in which Mr. Corry and other Irish Magistrates had been treated by the Government, and moved for returns on the subject.

Lord PLUNKET vindicated the conduct of Government in the matter.

After some discussion,

THE DUKE OF WELLINGTON said:

I have one observation to make in regard to this transaction, and which has reference to the mode of conducting these inquiries into the conduct of magistrates in Ireland. This is the second instance which has been brought under the notice of your Lordships of sending down Commissions to inquire into the conduct of magistrates in cases where, if the charges had any ground at all, they ought to have been brought before the common tribunals of the country by a civil action. Such is the practice in England, and I cannot see why the same course should not be pursued in Ireland. In a former debate your Lordships had another instance of this *ex parte* mode of inquiry; and here, in the same way, in the case of Mr. Trevor Corry, who, it appears, was accused of improper conduct in the exercise of his functions as a magistrate, a similar course of proceeding has been adopted. Now I beg to ask why these cases are not brought before the ordinary tribunals in the regular course, as in England, instead of sending down a stipendiary magistrate (and let your Lordships remember that the greater portion of those stipendiary magistrates are mere partisans) to institute a secret investigation? The fair and just plan in such instances is to proceed against magistrates against whom such charges are brought before the ordinary tribunals and in due course of law, as in this country. That is the fair and honorable course to pursue, and I hope to see it adopted for the future in all cases of a similar character in Ireland. It is quite right that the Lord Chancellor should, in regard to appointments to the magistracy, and in regard to the conduct of magistrates, carry on a

correspondence with the Lords-Lieutenant of the counties, and it is highly proper that that correspondence should be held strictly private; but when a magistrate is to be tried on charges affecting his character as a magistrate, that trial ought to be open and in public, and before the common tribunals. I could not avoid making these observations, as I believe they are just, and I am sure that they are in accordance with sound policy; and I trust that in future all cases of a similar description will be disposed of before the common tribunals, as in England.

Viscount MELBOURNE said the practice condemned by the noble Duke had been followed for years in Ireland.

THE DUKE OF WELLINGTON said:

I am aware that it is the practice to send down, not a stipendiary magistrate, but one of the law officers of the Crown, to assist the magistrates in cases of riot, with a view to bring the rioters to trial. Here, however, a magistrate was accused of improper conduct in the discharge of the functions of his office, and it might have been proper to institute an inquiry for the purpose of putting that magistrate on his trial; but this Commission was not sent down for that purpose, but, on the contrary, it was sent down with a view to the dismissal of that magistrate. What I maintain is, that such a proceeding was improper, and that the magistrate ought to have been put upon his trial before the ordinary tribunals of the country.

Motion agreed to.

August 7, 1838.

THE EARL OF DURHAM'S ORDINANCES.

Lord BROUGHAM addressed the House in condemnation of Lord Durham's Canada Ordinances, which he affirmed to be wholly illegal.

Lord GLENELG vindicated the policy and asserted the legality of the Ordinances.

Viscount MELBOURNE and Lord ELLENBOROUGH having spoken,

THE DUKE OF WELLINGTON said:

I cannot but agree with the noble and learned Lord that those parts of these ordinances which have been admitted by the noble Baron (Glenelg) and the noble Viscount (Melbourne) to be illegal are fit subjects of inquiry in this and the other House

of Parliament. They are not only fair subjects of inquiry, but it is absolutely necessary for Parliament to look at them, and apply a remedy; otherwise it will be impossible to say what may be the consequences to those who carry these ordinances into execution. There is one part of this despatch which has excited in me no slight surprise:—'I did not think it right,' says the Earl of Durham, 'to transport these persons to a convict colony.' Was the noble Earl indeed aware what he was doing? It really appears to me that some step should be taken in this country to set the Government right with respect to this transaction—of the illegality of which the Government in Canada seem to be completely ignorant. I have no wish to attack the Earl of Durham, night after night, upon this subject; but when acts of this description are performed, in which the conduct of his Administration is positively illegal, it is absolutely necessary for this and the other House of Parliament to adopt some measure which may, I repeat, really set the Government right on the subject, and apply a remedy as soon as possible. There is another paragraph in this despatch which has much excited my surprise; it is, perhaps, the most incautious paragraph that ever was penned. I allude to the following passage:—'These measures have met the entire approbation of Sir John Colborne and the heads of what is called the British party.' I cannot but think such a reference to Sir John Colborne, to whom the country is so deeply indebted, in connection with the heads of any party, is most unfair and altogether unjustifiable. I hope the noble and learned Lord, in bringing this matter forward, will consider it with a view to apply a remedy for the evil; that is the great object—and not attacking this or that individual—which we all have in view.

August 9, 1838.

DECLARATORY AND INDEMNITY BILL—CANADA.

Lord BROUGHAM moved the second reading of this Bill.

Lord GLENELG opposed the Bill, which was supported by the Earl of RIPON and Lord LYNDHURST, and opposed by Viscount MELBOURNE.

THE DUKE OF WELLINGTON said:

After what passed at the commencement of the Session, I hope that your Lordships will allow me to address a few words to

you on this subject, and I assure you that they shall be few indeed. The noble Viscount, as usual, taking advantage of the support given to him on former occasions, has thought proper to turn round on noble Lords on this side of the House, and to reproach them with the consequences of the measures produced by his own counsel, and brought forward by his own Administration. The noble Viscount tells us that we did not object to the appointment of the Earl of Durham to be the Governor-General of Canada; that we did not object to the powers confided to him; that we, referring particularly to me, urged this Government, by all the means in their power, to send out large forces, and take care to be strong in that part of the world; advice which, I admit, I did repeat over and over again, until I fatigued the House and myself with doing so. But why did I not object to those powers being given to the Earl of Durham? Because, seeing the Government in difficulties—seeing the colony in a state of rebellion—and seeing that the Government possessed confidence in another place—I thought it was not my duty to excite opposition to measures which they thought it might be proper to adopt; and, therefore, I took them all upon their recommendation. Very possibly I was wrong in so doing; indeed, it appears that I was wrong. But I took the course which I then considered it my duty to take. I declared that I would not follow the example of those who, being convinced of the certainty that the country would be involved in a war, yet thought proper to oppose all the measures that were necessary for carrying on that war. Neither would I deny assistance to those who were absent, and who were carrying on the government to the best of their ability; but I would give the Government a fair support, in order to pacify a country which might be in a state of war or rebellion. That was the course which I followed on the occasion alluded to by the noble Viscount. With respect to the Earl of Durham, I am personally unacquainted with him, and I considered that the noble Viscount and Her Majesty's Government ought to have known best who was the person most qualified to act as Governor of Canada, and I therefore raised no objection to the appointment of that noble Earl, or to the powers with which he was intrusted, except in so far as I made a few observations against the form of the convention which it was proposed to establish at Quebec, for the purpose of framing a constitution. Such was the course which I, and those who

acted with me, pursued on the occasion to which the noble Viscount has alluded; and let me ask your Lordships what followed that act of criminality, on the part of this side of the House, with which we have been charged by the noble Viscount.

The noble Earl at the head of the Government in Canada was appointed under a Bill which gave the Queen the power of forming a Special Council; and what did the noble Viscount do in reference to that portion of the Bill? Did he perform his duty? Did he do what, under the Act, he was required to do? Did he give instructions to the Governor of Canada as to what persons he was to appoint as members of the Special Council? Did the noble Lord, the Secretary for the Colonies, as in the case of Lord Gosford's instructions (which, I believe, were sent out after fifteen months' preparation), inform the Governor of Canada what individuals he was to appoint to the council,—or did he state the class of persons from whom the members of that council were to be selected? The noble Baron ought to have been able to have pointed out the parties best qualified to act as members of the council; but did he tell the Governor that he was to trust this person or to distrust that,—or did he give the noble Earl any information whatever to guide him in the formation of the council? No; the noble Lord did no such thing. The Government did not perform the duty which the Act imposed upon them; they gave no instructions as to the persons to be appointed members of the council; but they gave to the Earl of Durham the full and sole power of nominating and appointing the members of that council. Without any instructions on this important point, the noble Earl went out to Canada; and what did he do on his arrival? Did the noble Earl nominate, as members of his council, persons intimately acquainted with the condition of Canada, and conversant with the laws and with the constitution of the country? No; the noble Earl did not do so; but on the contrary, he appointed his own secretary, and his own aides-de-camp, as the members of the Special Council; and now the noble Viscount comes forward and tells the noble Lords on this side of the House that they are responsible for all the measures, and for the consequences of all measures, which the Governor with his council, so appointed, may adopt. I will tell the noble Viscount that I am not responsible, and that it is the noble Viscount who is responsible for the appointment of the Special Council, and for its acts; and I will further

tell the noble Viscount that I consider the council which has been appointed to have been the cause of all that has passed since—of all those measures which are now complained of—and of all those illegal proceedings which your Lordships are now discussing. The noble Viscount has pointedly alluded to me; but I will remind him that no man made fewer observations in regard to the Act which was passed at the commencement of the Session than I did, and I have never offered any remarks upon this matter, unless when I felt it to be absolutely necessary to do so, in order to elucidate any point in dispute. But although I, and those who acted with me, supported the Government in a case of great emergency, and gave our sanction to a measure which we believed to be necessary for the purpose of restoring peace and tranquillity to Canada, yet, was that measure to be carried into effect illegally, as the noble Viscount has allowed it has been,—and is Parliament to see those illegal acts, and take no notice of such proceedings? Is this the way in which I, my Lords, should have been treated by noble Lords opposite? Would they have requested Parliament to shut its eyes upon such proceedings had I filled the office which is filled by the noble Viscount; and would not such acts, had they been done by me, or under my sanction, have been loudly and universally condemned?

I come now to that part of the question which is undoubtedly the most important, and as to which the noble Viscount, as in the former instance, throws upon those on this side of the House the consequences of the recent proceedings of the Governor of Canada and his council, which are now under discussion by your Lordships. The noble Viscount admits that one of the measures adopted by the Governor and his council is illegal, and the noble Lord the Secretary for the Colonies, and the noble and learned Lord on the woolsack, have concurred in the illegality of that part of the ordinances which relates to Bermuda. Now, that ordinance has been regularly brought under the consideration of the House; and, noble Lords opposite having admitted its illegality, I will ask your Lordships whether I, or those on this side of the House, are responsible for that illegal proceeding? Not a bit of it. The noble Earl is responsible in the first instance, and the noble Viscount opposite in the second place, for not appointing a proper council. They are the parties who are really responsible, and not those who have given the Government a fair and steady sup-

port. The noble Viscount objects to the Bill of the noble and learned Lord; but I maintain that it is impossible to do without that part of it which goes to indemnify the persons concerned in carrying into execution the ordinance to which I have alluded. Justice demands such an act from your Lordships, and you cannot refuse to indemnify those officers, whether in Canada, at sea, or in Bermuda, to whom the execution of the ordinance has been intrusted. With respect to the other part of the ordinance, namely, that which relates to persons not yet in custody,—of that also the noble Viscount has been pleased to throw the *onus* upon us, as if we were the responsible party, in order that he may extricate himself from the difficult position in which he finds himself placed. The noble Viscount says he shall vote against that part of the Bill which has reference to this portion of the ordinance, and adds that it would be more fair to proceed directly by an address to the Throne for the recall of the noble Earl at the head of the Government in Canada. With respect to the Act which was passed at the early part of the Session, I have no desire to pass a declaratory Bill; but, on the contrary, I wish the Government to do something which will prevent the necessity for adopting such a course. A grossly illegal act has been committed —not a mere technical error, or one having reference to small or nice points of law, but, as has been laid down by the noble and learned Lord opposite, and by my noble and learned friend near me (Lord Lyndhurst), an illegal act of great magnitude, and relating to points of the most grave importance—an act so clearly illegal, that no man capable of understanding the first principles of justice can doubt of its impropriety. It is impossible that the people of this country can suffer any man to be driven into banishment without trial, or that they can allow him, afterwards, to be condemned to death, without having been convicted of any crime beyond that of returning to his own country. But did it never occur to noble Lords opposite that the effect of this part of the ordinance would be to force all the discontented persons who were thus banished from Lower Canada into the Upper Province? There is not a single word in the ordinance against their doing so, for they may all go into Upper Canada if they please. Is that desirable? Is it to be wished that these persons should be forced into a peaceful colony, where they might exert themselves to weaken the loyalty of the inhabitants? I will again repeat that I

have no wish to pass a declaratory Act; and if the noble Viscount will say that he will take steps to set the matter right, and to prevent such proceedings in future, then he may rest assured that a committee of your Lordships' House will not push the provisions of the Bill further than is absolutely necessary, and than is required for the indemnification of those persons who have carried the ordinance into execution. I beg your Lordships' pardon for having trespassed so long upon your time; but I really felt that I had not been fairly treated on the subject by the noble Viscount, and that some explanation was necessary on my part. I gave a fair support to the Bill of the noble Baron at the commencement of the Session upon principle. I gave it because I was desirous to do all in my power to relieve Her Majesty's Government in a moment of difficulty, and to restore peace and tranquillity to Canada. How, then, the noble Viscount can say that I have laid a trap for the Government, I am at a loss to comprehend, for the proceedings now under discussion occurred as a consequence of noble Lords opposite having themselves neglected to perform the duty which the Act imposed upon them, and which required them to superintend with care and attention the formation of the council and the proceedings of the Governor.

Second reading carried by 54 to 36.

August 14, 1838.

COMMERCIAL RELATIONS.

Viscount STRANGFORD brought forward the subject of our commercial relations with the South American States, and expressed his own views on the subject.

Lord BROUGHAM having addressed the House,

THE DUKE OF WELLINGTON said:

Beyond all doubt, there is no subject of so much importance to the country at large as a debate upon our commercial relations. I am of opinion that we are now in that state that the maintenance of the great extension to which those relations arrived two or three years since is, I fear, absolutely essential to our existence. Nay, I apprehend that the maintenance of the continued increase of that extension is essential to the prosperity of this country. It may be very difficult to maintain that extension in such a ratio as

it had attained some years ago, and also to maintain it in such a state that it may gradually and permanently increase. The commercial relations of this country are a subject which I always approach most unwillingly, and particularly at this period of the Session. Your Lordships' House is not exactly the place in which such questions can be discussed with advantage. It would be a very different thing if this House were to apply the remedy; but, above all, it is quite obvious that your Lordships cannot enter on a general question of this nature, affecting our commercial relations, and encompassed with difficulties, without getting into the very topics which the noble and learned Lord opposite brought before your Lordships a few moments since,—I mean the corn-laws and the timber trade. I shall certainly not follow that noble and learned Lord into any detailed discussion of those two questions. But I must say that, in the few words which fell from him upon both of them, he displayed as much address as I ever witnessed on the part of that noble and learned Lord. The question of the timber trade is one, not only of colonial policy, but of navigation. It is a question in which this country, and the trade of this country, are both materially interested. It is not a question of mere traffic in respect of the prices of different markets, but a great question both of navigation and of colonial policy. I am perfectly aware of the motive for bringing forward this subject at the present period, and I must strenuously protest against it. I think that it is not acting fairly towards the trade of this country, and more particularly towards those questions which have been brought forward by my noble friend behind me, and by the noble and learned Lord opposite. The question of the corn-laws I look upon as not only a question of great commercial interest, but also as one of the highest internal, national, and legislative importance.

There is one point of the discussion with regard to this matter which the noble and learned Lord opposite entirely omitted in the course of the discussion which he has introduced this evening,—that is the influence of the system of corn-laws in the first place upon Ireland. He left that entirely out of the question. Another point which he left out was the security to this country of its independence with regard to the article of food. There is nothing more certain than that, if you come to be entirely dependent on the countries bordering on the Baltic, you would have the King of Prussia and the Emperor of Russia (as has been known before)

levying a tax upon the exportation of that article of food to the Thames, and elsewhere in this country. Without following the noble and learned Lord further into this subject, I will merely observe that, when noble Lords bring forward questions of this description, they should never forget that they are quite sure to be met either by friends or opponents with corn-laws and timber duties. I entirely agree with the noble and learned Lord in the expediency of avoiding any interference with foreign powers on the subject of commercial matters; but I confess that I cannot view the state of our commercial relations, and of our position in the world generally, in connection with these commercial pursuits, with any degree of unmixed satisfaction. On the contrary, I do deplore the state in which we find ourselves placed in many parts of the world, particularly as it has been described in the course of the evening by my noble friend (Viscount Strangford). What I attribute that state of our commercial relations to, in a great degree, is, the extreme weakness and tottering condition of our naval establishments. I do not now mean to complain of the distribution of our naval establishments; though, at the same time, I by no means intend to unsay what I have said in respect to the expeditions to Spain, which I cannot approve of; but I repeat my expression, that I consider our naval establishments to be in too weak and tottering a condition to answer the purpose for which they were intended, which was, to give protection to the commercial interests of the country in all parts of the world; for the commerce of England does extend to all parts of the world. There is not a port, not a river, which is not visited by the ships of Her Majesty's subjects; and Her Majesty's subjects have an undoubted right to protection in whatever part of the world they may think proper to visit in the pursuits of commerce. The circumstances of which I complain I do not at all attribute to neglect upon the part of the Admiralty, neither do I include in my censure the noble Earl who is at the head of the Admiralty; but those whom I do blame are the individuals who have thought proper to reduce the establishments of the country to such a degree that protection cannot possibly be given in all places where it is required.

I will now call your Lordships' attention to some of the matters which have been alluded to by my noble friend (Viscount Strangford). I will say nothing about the question between France and England with relation to the Mexican Government. There is a

disputed claim, amounting to about 600,000 dollars, not more than 120,000*l.* sterling; and I am not quite sure that it would not be better for the Mexican mine-owners to pay the money at once, and thus prevent the blockade from continuing any longer. The French Government have thought proper to declare war against the Mexican Government in order to recover the amount of this demand. They have a perfect right to do so. I do not at all dispute that right. But what I say is, that it is the duty of our Government, and of our Minister in Mexico, to turn their serious attention to this question, with a view to put an end to these hostilities by the exercise of every description of amicable office between the two parties, so as to prevent the continuance of such an evil to Mexico, and, above all, to Her Majesty's subjects, and to those engaged in the great mining concerns of that country. When the Minister who is concerned in carrying on the negotiations on the part of the French Government with respect to the claim for 120,000*l.*, the subject of this war, places himself for protection on board one of the vessels composing the French fleet, in the harbour of Santo Sacraficio, how can the representative of the English Crown upon the spot treat with the French Minister at all, if he has not some force at his back? I do not at all wish to threaten; but what I desire is, to have amicable intercourse with the representative of France. But, to have it, I must be on an equal footing with him. I cannot allow him, while he is aboard of his fleet, to say to me, 'Why, you have not even a cockboat.' The French Minister is here on board of his armed vessel, in the midst of his fleet, lying in the harbour, and the British Minister has no support or assistance whatever. Here, then, is a blockade regularly established. It is desirable that Her Majesty's Minister at Mexico should know the exact situation of that blockade; that he should know whether it is a legal blockade, and whether the blockading power has a force sufficient to maintain the blockade or not, in order that no collision may take place between Her Majesty's subjects and the blockading force. I do not blame the noble Earl (the Earl of Minto) for what has occurred, but I blame the Parliament; and I will say that we have reduced the navy too low, and that we have not sufficient means of protection for Her Majesty's subjects. I am not very well acquainted with the position of affairs in Mexico at present; but I can state that when I was in office some two or

three years ago I settled a Mexican case, in which there was also some money concerned; the sum was much larger than 120,000*l.*, and I must say that I went by an entirely different road from that which has been adopted by the French Government. As the case was of some importance, it went through the whole world, and was blazoned by the different newspapers; but it was settled without any threat or anything of the kind whatever, except the usual statements of facts and treaties. With respect to this present case, there is a want of the requisite information. It is not known whether the blockade is illegal or not. For my own part, I have not seen any notification to the public; and if no such notification has been made, then there is no legal blockade. The admiral had no right to proclaim a blockade without having a proper force to maintain it; and I believe it would not have been done if we had had a sufficient force in that part of the world, and if our commanding officer had been properly supported in representing that the mode resorted to was not a legal mode of effecting the blockade. I am positively certain, although I have not had the opportunity of seeing many returns, that I am not mistaken on this point, nor in saying that this course might have had a great influence on the interests of Her Majesty's subjects. I will remind your Lordships that, since the peace, and particularly within the last twenty years, three great navies have sprung up in Europe, which are four times as strong as they were at any former period. Other navies, it is true, are put down, but we remain much the same. A great deal has been said, by way of comparison, between the strength of our navy in 1792 and in the years 1814 and 1815; but when we talk of strength, in this case, we ought not to look at the subject without adverting to the naval establishments of other powers. Now, although our marine force should even be on the same footing as before, our commerce is not only tripled, but extended to a degree ten times greater than it ever was before; and there is not a part of the earth, from one pole to the other, in which the protection of our navy is not required for our commerce. I must say that, if we should at any time incur the misfortune of being involved in another war—which God forbid!—the only mode of keeping out of difficulty would be to maintain such a navy as would give protection to Her Majesty's subjects in all parts of the globe. This is the ground on which I support the views of my noble friend who spoke behind me, and those of

the noble Lord who sits on the cross bench, really feeling, as I do, that this is a question of great importance, and that, if the Government and the public can be brought to look at it in a proper light, we shall get rid of all difficulties.

The Earl of MINTO gave some representations as to the state of our navy.

THE DUKE OF WELLINGTON said:

I do not mean to dispute the noble Earl's statement with respect to the number of ships in commission or at sea; but I understand that many of them are not half manned or armed, and that this is particularly the case with respect to two ships at present in the St. Lawrence, where it is supposed every vessel ought to be fully equipped. I will now explain what I meant when I spoke of the state of our force stationed on the coast of Mexico. I said that without a naval force Her Majesty's Minister in Mexico could not efficiently interpose his good offices to settle a question of this description between the two parties whose disputes are so injurious to the merchants and manufacturers of his own country. I will maintain that he has no chance of having any influence in the settlement of such a question, unless there be lying under his view, and within his call, such a naval force, at least, as is possessed by either of the two belligerent parties who are engaged in what I cannot help calling this most unjustifiable dispute. I do not say that this is an illegal blockade; but, in a blockade, the question is, first, whether it has been notified according to law; and, secondly, whether it is maintained with a sufficient force according to law. My great object, however, in speaking at all on this subject was to impress upon your Lordships, upon the Government, and upon the public, the absolute necessity of our keeping up a large naval force in all parts of the world.

[SECOND SESSION OF THE THIRTEENTH IMPERIAL PARLIAMENT.—SECOND VICTORIA.]

February 5, 1839.

ADDRESS TO THE CROWN.

The Earl of LOVELACE moved, and Lord VERNON seconded, the Address in answer to the speech from the Throne.

BODLEY LIBRARY OXFORD

THE DUKE OF WELLINGTON said:

It is very satisfactory to my mind to state to your Lordships that I feel no objection to the Speech which you have just heard from the Throne, nor to the Address which has been moved in reply to it in the able speech of the noble Earl opposite, and which has been seconded no less ably by the noble Lord. In adverting to the topics brought under your Lordships' consideration I shall beg leave to glance principally at those which are the subject of the motion made by the noble Earl who proposed to your Lordships the Address to the Queen, rather than to those other questions which have been alluded to. The Speech from the Throne, and the Address in reply to it submitted by the noble Earl, have nothing to say (in my opinion very properly nothing to say) to the corn-laws, to the poor-law in England or in Ireland, to the subject of general education, to the navy, to the noble Earl who has lately returned from his mission to a distant part of the world, nor to many other topics adverted to by the noble Earl and by the noble Lord. These topics will very properly become matter for discussion hereafter, but on this occasion I will not uselessly detain your Lordships with them. What we have to do with, then, is the Speech from the Throne; and to that part of the topics of the noble Lords which is found in the Speech and the Address I shall proceed to address myself for a few moments. I entirely concur with the noble Lord, and the Speech from the Throne, with respect to what is said of the state of foreign affairs, and especially with regard to the proposition for a treaty between Holland and Belgium. I also heard with great satisfaction of the unanimous concurrence of the five allied powers in that proposition. But I hope that it never may be lost sight of in this country, that the original foundation of the independence of Belgium as a separate kingdom was this condition, namely, its perpetual neutrality. That condition I consider to have been the foundation of that transaction, and I hope this will never be forgotten by this country or by Europe. I certainly rejoice at the renewal of a commercial treaty with Austria, and in the improvement of our commercial and other relations with the Austrian empire. But in respect of our commercial relations with the Austrian Government, the noble Lord is mistaken if he supposes that the treaty of which he spoke contains any alteration from the stipulations of former treaties, except in one most important con-

dition, that of the free navigation of the Danube. That condition has been added in this treaty, and is a most important arrangement; but with regard to the other points alluded to by the noble Earl, they may be adopted hereafter, perhaps, but they form no part of the present treaty. The next question adverted to in the Speech to which I shall refer is one to which neither of the noble Lords has given much attention—I mean the state of affairs in India. It is impossible for me or any one else, little as I and others are in possession of information, to give an opinion from what is said in the Speech; but I conclude that Government will think it their duty to afford to this and to the other House of Parliament all the information in their power respecting the subject, in order to give an opportunity to the public to form a judgment on this most important transaction. With respect to Ireland, it is now two Sessions ago since I recognised the principle of reforming its corporations, with a view to refounding them on the principle of election. In the last Session of Parliament a Bill was brought up to this House, fully debated, amended, and sent down to the other House; it came up again, was considered again, but was finally lost. I shall not hold myself justified in departing from the opinion, with respect to this question, which I held in the last Session of Parliament; but I think myself, nevertheless, strictly bound, as I felt myself to be last Session, to consider in the fullest manner any measure which Her Majesty's Government may bring forward with a view to carry the system of election in municipal bodies in Ireland into effect. I will just mention, however, that the words 'the reform and amendment of the municipal corporations of Ireland are essential to the interests of that part of my dominions,' which appear in the Speech, and which are repeated in the Address, must be understood as assented to on the understanding that they mean no more than to admit the principle of reform of those corporations. Then, again, 'the better enforcement of law, and the more speedy and effectual administration of justice,' are objects undoubtedly of much importance, and I shall be ready to render any assistance in my power to any measures for effecting those objects; but I must say I am at a loss to know what is meant by those expressions. It is impossible therefore for me to say more than that I will give those measures, whenever they appear, every possible consideration. Nobody can rejoice more than I do at the settlement of the question of West

Indian slavery; but I certainly did not agree with the noble and learned Lord opposite in his endeavors to anticipate the appointed period of the termination of that condition; and when I hear that the colonial Governments have accelerated the time, I assuredly look to see whether we shall have to witness the destruction of property in that quarter—for it goes to that extent to all appearance—or whether we shall see it placed on the secure foundation of hired labour.

I now come to that part of Her Majesty's Speech to which I have listened with the utmost anxiety, and I am happy to find there a declaration on the part of Her Majesty of her firm determination to support her authority and maintain her sovereignty in Canada; but I should have wished that this declaration had been accompanied with corresponding efforts on the part of the responsible advisers of the Crown to enable Her Majesty to carry that determination into effect. In fact, I think the subject of the war in Canada is not treated with that degree of attention in the Speech which its importance deserves; for though the insurrection in one part of that country may be of trifling extent, yet it has been accompanied by an invasion, and by attacks on the peaceable subjects of Her Majesty in all parts of the country bordering on the United States of North America; that invasion and those attacks being made by inhabitants of the United States for no reason whatever but because Her Majesty's subjects were obedient and loyal to Her Majesty and submitted to her laws. As to the particular question to be considered, with a view to restore peace to that country, I consider it as a most important question, and I must say I should very much wish to see suitable measures adopted to carry into execution the intention which Her Majesty declares in her Speech of maintaining her rights of sovereignty over Canada. The system of levying private war which prevails on that continent is not wholly unknown in other parts of the world. I have read of it as existing in the deserts of Central Asia; I have heard of its being practised as a system by the Asiatics on the frontier of the Russian monarchy, where a perpetual warfare is going on between those tribes and the troops sent to repress their inroads, a warfare that has been waged in those quarters from century to century. We read also of circumstances of the same kind occurring in Africa, of wars carried on by barbarous tribes against the possessions of the British Government in Africa, the

contests of savages against a civilised people. But this is a war carried on by a nation supposed to be considerably advanced in the scale of civilisation, by men governing themselves, electing their servants by ballot and general suffrage, and living under institutions of that description. Yet these are the very men who come in at night, and with fire and torch destroy the property of Her Majesty's subjects, for no reason whatever except that they obey Her Majesty's laws, and carry into effect her royal commands. Of such a system of warfare there are, I believe, no examples, except, as I have stated, among the most lawless of the barbarous tribes of the East and of Africa. It is quite out of the question that Her Majesty's loyal subjects, invited to their habitations, and fixed in them by Her Majesty's authority and that of her predecessors, should not endeavor to retaliate the sufferings thus inflicted on them, unless protected by the strong arm of Government; but how can Government protect them, except by taking strong measures, when these persons are found invading Her Majesty's dominions for the purpose of plundering and destroying the property of her subjects, to intercept them in their retreat, to take them prisoners, and punish them according to the laws of the country they have insulted? Yet we see the inefficiency of such measures to effect the purpose desired. These marauders are taken in hundreds, are submitted to trial, and have the sentence of the law passed upon them; yet, notwithstanding this, their depredations still continue as before, and there is hardly an arrival that does not bring intelligence of fresh outrages. I feel it to be the duty of this House to direct the attention of Her Majesty's Government particularly to this subject, in order that they may take steps to induce the Government of the United States to adopt effectual measures to put a stop to this injustice. Let us just look at the history of the invasion of the province of Texas; let us look at the consequences that have followed the incursions commenced into that country in a manner similar to that in which the province of Upper Canada has been invaded, and say whether, if some steps be not taken by Government to enforce that paragraph of the Speech, of which I approve highly, expressing Her Majesty's determination to maintain her sovereignty in Canada, we shall not find her province of Upper Canada treated pretty much in the way in which the province of Texas has been already treated? I repeat, that I wish to impress this subject on the notice of Govern-

ment, and to entreat them, as I have already done, to consider the war as a great national war; to reflect that there can be no such thing as a little war for a great nation like this; that great interests are involved in it; and that they must conduct operations on a large scale if they mean to bring it to such a termination as is consistent with the dignity of their Sovereign and the honor of the British Government. I am happy that Her Majesty has declared her intention to maintain her authority in her North American provinces, and I sincerely hope that that intention will be acted upon in such a manner as will do honor to the country. I make no doubt that the President of the United States purposes to discountenance the illegal proceedings of the citizens of that republic; but I cannot shut my eyes to the fact, that here are men carrying on war, armed with cannon and muskets belonging to the United States, publicly invading Her Majesty's dominions, and that their outrages are not repressed by the authorities of the States. I recollect that in discussions which have occurred in this House and elsewhere the question has been raised whether the Spanish Government could prevent a body of Portuguese troops from moving through Spain. Why, certainly they can; and there can be no doubt that a civil government in any country is capable of preventing the collection of a body of troops and the invasion of the territory of a neighbouring power. A body of 'sympathisers' has been organised in the States to carry on the plan of invasion; and are we to sit down quietly and pass unnoticed this unwarrantable interference?

I now come to the last paragraph of the Speech, in which Her Majesty complains that she has observed with pain the efforts which have been made in some parts of the country to excite her subjects into disobedience and resistance to the law, and to recommend dangerous and illegal acts. Now, I really think that this affecting paragraph cannot have raised very pleasant reflections in the breasts of many noble Lords who are in the habit of supporting Her Majesty's Ministers. It is but too true that various persons have endeavored to excite Her Majesty's subjects to resist the law; but I am afraid much of this spirit may be traced to what has taken place in this House on former occasions. I have heard persons, charged with the highest employments of Government, insisting upon the right of the people to assemble for the expression of their sentiments, declaiming against any restriction

on that right, and preaching upon this doctrine without restricting it in the manner declared by law, namely, that those assemblies must not be in numbers sufficient to create alarm. It was but very lately that a great officer of state travelling about the country made a speech to the same purport at Liverpool, and stated those opinions in the most unreserved manner, at the very moment when men were assembling at torchlight meetings. We have heard for a number of years past of the extraordinary tranquillity of Ireland, and as often as I have listened to the phrase I have protested against it; but there is a gentleman, high in the confidence of Government, who goes about devising new modes of agitation every day. That gentleman ought to have a special copy of the Speech sent to him: one time he talks of raising 2,000,000 of men, at another time of a fund of 20,000*l.* sterling, which is deposited in his 'private bank,' and ultimately to be deposited in his private pocket. In order to further his new schemes of agitation, that gentleman has declared his intention of raising 60,000 fighting men for Her Majesty, although he has never, that I am aware of, been actually employed as a recruiting officer. Sometimes these boasts do not turn out to be true; but if not 60,000 persons, there may be 6000, or some force of that description, which would be a serious inconvenience to the Government. I do hope that the last paragraph in Her Majesty's Speech will not be forgotten by her Ministers, who are charged with carrying into execution her laws. I am glad to find the Address to be such as I do not find myself called on to oppose; but I again say, let not Ministers forget the latter part of it.

Address agreed to.

February 18, 1839.

CORN-LAWS—HEARING EVIDENCE.

Lord BROUGHAM moved that the petition on the subject of the corn-laws be referred to a Committee of the whole House, and that evidence be heard at the bar.

The Duke of BUCKINGHAM, Earl STANHOPE, and the Duke of RICHMOND, opposed the motion.

Viscount MELBOURNE considered the proposed inquiry an inexpedient course.

THE DUKE OF WELLINGTON said:

I am sure, my Lords, that the exhortation at the commence-

ment of the speech of the noble and learned Lord will not be disregarded; that you will pay the utmost attention to the arguments on this question; and that you will do everything in your power to come to such a decision as shall be most consistent with the interests, not of one class or of another, but with the interests of the public in general. My Lords, the noble and learned Lord, in his argument, certainly appeared to me, as to the noble Viscount, to avoid particularly that part of the subject which relates to the proper and technical question before the House, namely, the mode of inquiry he proposes to you to adopt. That mode of inquiry is, I believe, entirely without precedent. I do not think there is a single instance of a committee of the whole House to receive petitions, and to take a question into consideration by the examination of witnesses at the bar of your Lordships' House. I do not think there is a single instance of such a proceeding; and I have good authority for stating that this is a question on which, above all others, you ought not to proceed according to that mode. There is, indeed, a precedent in another House of Parliament; but I think I can show that your Lordships ought not to adopt that precedent. I entirely agree with the noble Duke (the Duke of Richmond) who told you that he would not consent to the inquiry, solely on the ground that he would not give encouragement to the notion that this House intended to make concessions on the main question before it was fairly brought under consideration. But the noble and learned Lord has gone no further than to state the objects to which such an inquiry as he calls for should be directed—to state that he would prove such and such points by witnesses to be examined if you consent; but he did not state one word to show that the mode of inquiry he proposed is the proper one to be adopted. There has been a precedent in another place with respect to examination and inquiry into the statements of petitions on a great public question, which petitions were taken into consideration by a committee of the other House of Parliament. My Lords, we have heard that the result of that inquiry has been held out to the public as an inducement to urge the adoption of a similar mode of inquiry on the present occasion. I am quite sure, my Lords, that the noble and learned Lord who has made the present motion has no intention that a similar proceeding should take place here, with a view to produce the same ends; but I believe that the same effect would be produced, more

especially when I refer to a recent history of the transaction to which I allude, which distinctly exposes the real objects of those who urged the hearing of evidence at the bar of the other House on that occasion. The noble Viscount is wrong in supposing that delay is the object of the present proposal to hear evidence at the bar. The real object of the motion is to accelerate the attainment of the end as much as possible, and to render the result quite certain—a result that is sought to be attained rather by clamour than by fair inquiry and reasoning. I will read what the historian says on the subject, and your Lordships will see that it is quite impossible you can consent to adopt the course proposed on a question of such vast importance, and in which the interests of every class in the country are so greatly involved. The historian says,—

'On the 20th of April 1812 the House agreed, without a division, to hear evidence in support of the petitions. The inquiry on the side of the petitioners was solely conducted by two Members, and each night presented new operations and new defeats to the orders in council, and new advantages to the Opposition, by incidental debates on petitions presented, by discussions arising on evidence tendered, by other matters broached occasionally in connection with the main object. The Government, at first, conceiving that the clamour which had been raised out of doors against their policy would soon subside, endeavored to gain time and to put off the hearing of the evidence; but they kept steadily to their purpose, and insisted on calling in their witnesses at the earliest possible hour. They at length prevailed so far as to have it understood that the hearing should proceed daily at half-past four o'clock, and continue at the least until ten o'clock, by which means they generally kept the examination on foot till a much later hour, when all, except those who took a particular interest in the subject, had long since left the House.'

This occurred at an unfortunate time, when the House insisted on the committee sitting; and the result of these proceedings was the repeal of the Orders in Council. Now this course of proceeding might have been very well and proper in another place, and the repeal of the Orders in Council by such means may have been all very well, they being the act of the Government; but that which is now sought to be repealed is an Act of Parliament. The course in question cannot be considered as regular here, where there is no precedent for it, whatever may have been the case in another House of Parliament. I condemn it, not on the ground of delay, but because it is an inconvenient course, and one which the practice and usages of the House do not warrant. At the same time, my Lords, and while I entertain this opinion with

regard to the present motion, I entreat your Lordships not to lose sight of the general question, but take it seriously into your consideration, with reference to all the points urged by the noble and learned Lord, and to adopt such measures as will enable you to decide on it according to the best of your means, consistently with the public interest, and at the earliest possible moment. My Lords, I have always considered this one of the most important questions that could come under your consideration. The origin of the existing corn-law (although, as the noble Viscount has said, it is customary to go back to the year 1773) was certainly, in the year 1804, to give protection to the agricultural interest of this country. The agriculture of this country has now enjoyed that protection for thirty-five years. That fact alone is a sufficient reason for proceeding with great caution in any alteration which can interfere with an interest that extends over such a vast portion of the country, and affects all classes of Her Majesty's subjects. My Lords, any mistake on this subject—in the alteration to a permanent duty, or in the reduction of that permanent duty even a trifle too much—must involve the country in the greatest possible difficulties, by rendering the cultivation of the country impossible, and ruining a vast number of an industrious and, at present, wealthy and happy class of men. If, by any misfortune, we should make such a mistake, it would be impossible to say what would be the change and revolution of property consequent upon it in this great country. It is very easy to talk of the consequences as of a loss of 5*s.* or 7*s.* in the price of a quarter of wheat; but if the noble and learned Lord will look back at the last twenty-four or twenty-five years, and observe what passed from the year 1814 to the year 1822, and from 1822, again, to 1828, when the present Act was passed, I think he will find that very small importations of corn have at different times produced very extensive distress among the agricultural interest; and, in effect, that these importations, at different times, were caused by an unfortunate rise in the price of corn at home, sometimes by the interference of Government, and at other times by other circumstances, until at last we were obliged to adopt the principle of the measure which was the foundation of the law existing at the present moment.

I believe, my Lords, that we cannot change the principle on which this law is founded without incurring the risk of exposing

the agriculture of this country to the greatest possible deterioration, and all those connected with it to the distress, ruin, and revolution of property which must be the consequence of it. The law was originally established for the protection of agriculture. Agriculture cannot yet do without protection, and therefore the law must be kept up. The noble and learned Lord has taken great pains to prove that the law has not insured uniformity of price. My Lords, I do not know how uniformity of price can be insured in any country upon a commodity the price of which must vary with the production. In this country the produce varies sometimes to double the amount. It is therefore quite impossible to provide against a fall in price when there is an increase of produce. It is true that the agriculturist, by the protection you give him, gains equally when the produce increases, although the price falls. I am aware that the noble and learned Lord may pick out particular days of particular years on which the market price of corn has been enormously high; but, taking the matter on a fairer principle, that is, averaging the prices for a given number of years—taking, for instance, from the passing of the present law in 1828 to the year 1835—he would find that the fluctuations, except in the last year, were very trifling indeed. Taking the average price of the year 1828, he would find that it was 64*s.* 6*d.*; of 1829, 67*s.* 6*d.*; of 1830, 66*s.* 10*d.*; of 1831, 72*s.*; of 1832, 61*s.* 2*d.*; of 1833, 55*s.* 5*d.*; of 1834, 49*s.* 6*d.*; and of 1835, 42*s.* 3*d.*: the average of the ten years ending 1838 being the same as the noble and learned Lord quoted as the average of the year ending 1800, that is, 56*s.* 4*d.* Now this is not a very high price; and, my Lords, I think I have a right to claim for the present corn-law that it has brought the price of corn as near to steadiness as possible. The noble and learned Lord has made an assertion which appears to me, from the papers I hold in my hand, and to which I will call the attention of your Lordships, rather extraordinary. The noble and learned Lord has said that one of the consequences of the present law is to destroy the trade. Now, I beg to inform the noble and learned Lord that in the twenty years which elapsed from the year 1815 to 1835 there were imported from foreign countries into Great Britain, under the different laws, 8,428,589 quarters of wheat, making an average of 421,429 quarters a year. The importation, even upon the average, was very considerable, but in years of scarcity it was enormous.

In 1829, for instance, it amounted to 1,259,000 quarters; in 1830, to 1,493,000 quarters; and in 1831, to 1,034,000 quarters. So much, my Lords, for the destruction of trade having been effected by the measure in question! But another interesting result appears from this paper. Not only has the measure proved itself beneficial in respect of the trade in foreign corn, but it is also shown to have operated very advantageously with regard to the trade in corn with Ireland. It appears that from 1815 to 1835, a period of twenty years, 6,585,242 quarters were imported into this country from Ireland, being an average of 329,262 annually. This average has been increased in later years. In 1830 the quantity thus imported was 515,888 quarters; in 1831, 552,740 quarters. The Act, therefore, appears to have effected all the purposes for which it was framed, increasing not only the trade in corn, but increasing the growth of and the trade in corn with Ireland. Then, in addition to this quantity of foreign wheat, there has been also imported 3,934,695 cwt. of foreign flour; and of Irish flour no less than 6,394,065 cwt.; so that, upon the whole, the measure appears to have increased rather than repressed the trade in foreign wheat. I will now proceed to make one observation on the complaints which have been made by the noble Lord with respect to the misfortune of the merchant to whom he has alluded as having imported a large quantity of wheat from the Mediterranean, which, in consequence of the fall in the market, and the subsequent rise of the duty, he could not sell on its arrival, and was obliged to place it in bond, where the expense of keeping it ultimately exceeded its value. According to the noble Lord's own statement, the merchant brought the corn to this country at an expense, including freight and insurance, of 42*s.* per quarter——

Lord BROUGHAM: Forty-seven shillings.

THE DUKE OF WELLINGTON:

The cost of the grain per quarter, on its arrival in port, was 47*s.*, and the merchant expected to get at least 72*s.* for it, the duty, at the period of his effecting the purchase, being only 1*s.* a quarter. Now that was a tolerably good speculation. The merchant would have made the difference between 47*s.* and 72*s.* had the speculation succeeded. The speculation, however, did not answer; the price fell and the duty rose. But it is probable

that he might have sold at a duty of 10*s.* instead of 1*s.*, and he would not then have been much of a loser.

Lord BROUGHAM: The fact is this, that the ports were shut by the price having fallen while the grain was on the seas; and upon its reaching port it became liable to a duty of 22*s.* 8*d.* per quarter.

THE DUKE OF WELLINGTON:

Then it must have been a very long time on the passage. Well, 47*s.* and 22*s.* 8*d.*, that is 69*s.* 8*d.* would have been the expense. No doubt the merchant would, according to the statement of the noble and learned Lord, have incurred a loss; but he certainly did intend to make a right good thing of it, and, under the circumstances, it is not at all unreasonable that he should be expected to submit to the loss in which his speculation ended. My Lords, I do feel that this is a question which must be taken into consideration on general grounds, and with a view to the benefit of all classes in the community, not of particular interests. It is impossible that this great change can take place in the state of the agricultural interests without a repeal of many of those charges (as has been remarked by the noble Duke on the cross bench) which are now thrown on the land; and I am firmly convinced that, if this change be made, the agriculture of this great country will be deteriorated and impeded in its progress. My Lords, it is my opinion that the protection of the agricultural interest is essential to the prosperity of the country; and I do therefore earnestly recommend to your Lordships not to afford encouragement to the proposition before you. Let us never forget that in the course of the last thirty-five years, during which the agricultural interests of this country have enjoyed this protection, not only have we brought that great war to which the noble Viscount has referred to its termination, but have found our way out of the greatest misfortune which I think occurred during that war—I allude to the alteration in the currency. We have paid off (by paying off the interest) 100,000,000*l.* of the debt; and we have reduced the taxes to an enormous amount—I am afraid to say how much; and if we only persevere as we have done up to this time, we shall eventually find ourselves extricated from all those difficulties of the moment by which we may be surrounded.

Motion negatived.

March 4, 1839.

LORD EBRINGTON'S EXPLANATIONS.

Earl FORTESCUE (Lord Ebrington) explained the policy which he contemplated as Lord-Lieutenant of Ireland.

Lord LYNDHURST and Viscount MELBOURNE having addressed the House,

THE DUKE OF WELLINGTON said:

I confess I should have been very anxious to avoid entering into this discussion had it not been for an observation which has fallen from the noble Viscount opposite (Viscount Melbourne). The noble Viscount has been pleased to cast on my noble and learned friend (Lord Lyndhurst) the imputation of having taken a course calculated to obstruct the good working of the measure passed in the last Session of Parliament relative to Irish tithes. The noble Viscount seems to have forgotten what passed in this House a few nights ago, as well as that the discussion on the present occasion was not originated by my noble and learned friend, but by the noble Baron opposite, whose observations necessarily provoked a reply. The House stands, to-night, in a perfectly different situation to that in which it stood a few evenings ago. I was not in your Lordships' House on that occasion; but I understand that my noble and learned friend then fully satisfied your Lordships that he was justified in calling upon the Government for some explanation in reference to the appointment of the noble Lord opposite, to whom a particular speech, which had formed the subject of comment, was attributed, as well as in reference to the course of policy they meant to pursue with regard to Ireland.

The noble Lord opposite (Lord Fortescue) has stated that it is his intention to conduct the government of Ireland upon the principle which was announced by a noble relative of mine, upon his assumption of the same high office some years ago, namely, that he should go to Ireland to administer the law, and not to change it. But the noble Lord's expressions—those which he now admits that he used—went much further than such a declaration, and could refer neither to the administration of the law nor to its constitutional change. It has been admitted that the word 'war' was used. Did your Lordships ever hear of 'war'—and 'war,' too, 'carried on with greater effect'—in the course of the administra-

tion of the law, or of its peaceable alteration? However, knowing what I do of the noble Lord, and having heard the speech delivered by him to your Lordships this night, I should be ashamed to suppose it possible that the noble Lord could, in any manner whatever, be a party to any of those measures which may really partake of the character of war, or, under any circumstances whatever, act otherwise than in opposition to them. I therefore expect, after what has been stated by the noble Lord, that he will go to Ireland to administer the law impartially, and to extend the protection of the executive Government to those who require it for the preservation of their property and lives. Indeed, I believe that this is the course which the noble Lord will adopt, and that he will prevent the prosecution of any 'war,' whether 'formidable' or not. But the real question connected with this subject is the maintenance of the Protestant religion and church in Ireland. That has been the object of this country and the policy of its Government for centuries. This principle has been asserted over and over again at different periods, in the Act and Treaty of Union (to go no further back), in the Catholic Emancipation Act, and in the oath taken by the Members of both Houses of Parliament. The noble Lord opposite says that the Protestant establishment in Ireland is too extensive for the Protestant population of that country. That is a question which has been already discussed and determined on by Parliament; and an Act has passed providing for the more adequate performance of the duties of the church with less remuneration, and a more equal distribution of its emoluments. I confess, when my attention was first drawn to the speech attributed to the noble Lord opposite, I did think it incumbent on the Government to explain what course of policy they intended to pursue with respect to Ireland, and whether they intended to maintain the Protestant establishment in that country. I was very happy to hear the explanations which have been given, and particularly to learn that it is the firm determination of the noble Lord to administer the law; but what this House and the public look for from the Lord-Lieutenant of Ireland is, not only the maintenance of the law, but its execution in such a manner as shall be compatible with the policy of the law and the policy of this country in connexion with the great principle of the maintenance of the Protestant Church. That is the point with respect to which both your Lordships and the other House of Parliament

will entertain great jealousy, unless you have something more from the noble Lord than his mere declaration.

March 7, 1839.

THE NAVY.

The Earl of HARDWICKE called the attention of the House to the state of our navy.

The Earl of MINTO having given some explanations,

THE DUKE OF WELLINGTON said:

This conversation is extremely irregular. I cannot help thinking that we are upon a wrong scent on this subject. I really consider that the attention of your Lordships, and of Parliament in general, might be better directed to the fact that this is a peace establishment which we are now discussing. We are talking of demonstration ships which are ready, according to one noble Earl, and which, according to another noble Earl, are not ready. But this country is at war—at war in two quarters of the world—at war in America and at war in Asia; and what I say is this, that, when a country is at war, I understand that the fleet of that country should be put upon a war establishment, whereas these returns are made on a peace establishment; nay, I believe on one much ower—on a reduced peace establishment; and yet we are pretending to carry on war in two quarters of the world with such means! I warned your Lordships a year and a half ago—indeed nearly two years ago—against such an attempt. I believe that we have been feeling the inconveniences of such an attempt from that period up to the present time, and I only hope and trust in God that we shall not experience still further inconvenience and disasters from our perseverance in it. A peace establishment and a reduced peace establishment may be very fit and very proper for carrying on the service of the country in time of peace; but when we come to carry on war, our peace establishment is found not equal to the performance of the duties required from the establishment in time of peace, and still less to those extended duties which must be performed in time of war. I trust that I shall be able to show to your Lordships the inconvenient consequences to the performance of peace duties which result from

pretending to carry on war on a peace establishment. In the course of last year there were certain discussions in this country, and I believe in your Lordships' House, on the subject of the blockade of Mexico. Those discussions took place in the month of August, and the Government very wisely, in my opinion, thought proper to order a squadron of Her Majesty's ships to proceed to the Gulf of Mexico for the purpose of looking after the blockade, and of giving some protection to Her Majesty's subjects in the pursuit of their lawful occupations. Now, nearly at the same time, the French Government also thought proper to reinforce their squadron in that part of the world. I know that at the same time these two squadrons were ordered to sail. The French Government, however, did not carry on the war in which they were engaged on a peace establishment. Oh no! They were at war with Mexico, and they were carrying on operations—and very handsome operations they were—in the month of November. We, however, could not proceed in the same manner, for, being at war in America, and having only a peace establishment, we were obliged to take our ships, which were likewise ordered to sail in the month of August, from the operations of the war in America, and to employ them in the duties of a peace establishment in the Gulf of Mexico. When I speak of war, I mean putting down the rebellion in Canada; and by the performance of peace duties, I mean giving protection to the commerce of Her Majesty's subjects in the Gulf of Mexico. Well, Admiral Sir Charles Paget was ordered with his squadron to the performance of these duties from North America; and accordingly his ship sailed from Bermuda, and his squadron was withdrawn from the service in North America for the purpose of employing it in peace duties, by giving protection to the commerce of Her Majesty's subjects in the Gulf of Mexico. It is with this that I find fault. We are carrying on a war in North America, and a most expensive war in Asia, and both of them require all the force this country can employ in order to bring them to an early and an honorable termination. We are, however, engaging in both with a reduced peace establishment, and we are incurring all descriptions of risks in every other part of the world in order to do this. The noble Earl has been talking about a few masts and sails, when the whole force which the country can command ought to be engaged in the war now waging, in order to bring the contest to

that honorable termination I speak of. I said this about a year and a half ago, and I now repeat it again. By the way, I must observe that the French fleet arrived in the Gulf of Mexico in November; ours did not arrive till the first day of December; and I mention these dates in order to show your Lordships the absolute impossibility of carrying on war with a peace establishment, not merely with a view to war, but also with a view to peace duties, because it is totally inadequate to perform them. I have hitherto spoken only in reference to the navy; but I maintain also that, as regards the army, we ought not to commit the mistake of supposing that we can adequately discharge the duties of war or peace with establishments disproportioned to our extent of empire and the demands of our population.

I will just make one observation with respect to the state of the war in North America. A noble Earl, whom I do not now see in his place, read a letter a few evenings ago from a correspondent of his in North America, respecting the evils and inconveniences resulting, particularly in Upper Canada, from the vast number of volunteers called out and under arms; and he went so far as to say that the consequence must be a total cessation of agricultural labor. All this mischief, then, will be caused because the establishments are not sufficiently augmented to render it unnecessary to call the volunteers out and substitute them in the place of the regular soldiery. Such a course of proceeding does not prevent a vast expense being incurred, because, for every soldier saved, a volunteer must be substituted, and at an expense infinitely greater than that required for the maintenance of the regular soldier. The expense of the army is, besides, of necessity, vastly increased otherwise. It is highly impolitic to attempt such means of saving money at a moment like the present, when an extensive system of warfare is being carried on. But, in addition to hostilities in America, this country has also to conduct a great war in the East, at a period when, as is well known, not only all the establishments—European and native—are infinitely below the usual peace establishment, but particularly those connected with the Queen's troops. This is known to everybody, and it is utterly impossible that the British operations in that part of the world can be brought to a successful issue unless they are carried on with firmness, and with all the force that can be applied to them. I trust therefore that the Government and Parliament will be induced to take these

suggestions into consideration, with the view of bringing our warlike operations to a speedy and honorable termination.

The Marquis of LANSDOWNE added some explanations to those previously afforded by Lord Minto.

THE DUKE OF WELLINGTON said:

I have no desire to raise a discussion; I have only repeated to-night an opinion which I have frequently expressed before. The noble Marquis says I am mistaken in my statement relative to the withdrawal of the force from North America; but I believe I might have gone further even than I did. It is my opinion that, when we commence war with peace establishments, we starve both the peace and war services; and I sincerely and anxiously hope that the noble Lords opposite will not experience the mischiefs I anticipate from carrying on war with peace establishments, and without any reserves of any kind.

Subject dropped.

March 14, 1839.

CORN-LAWS.

Earl FITZWILLIAM moved a resolution condemnatory of the Corn-law Act, 9 Geo. IV. cap. 60.

The Duke of BUCKINGHAM opposed the motion, as did the Earl of RIPON.

THE DUKE OF WELLINGTON said:

I am, after the powerful speech of my noble friend who has just sat down, almost ashamed to rise for the purpose of giving your Lordships the same recommendation with which my noble friend has concluded, namely, to reject the proposition of the noble Earl. This I recommend to your Lordships; but, above all, I most earnestly recommend you not to attend to the threats which the noble Earl has held out to your Lordships. I am sure that your Lordships are disposed to listen with respect to everything which falls from the noble Earl, with the exception of those threats, and those I earnestly recommend your Lordships to treat with anything but respect. I hope that to those threats the House will not give any attention at all, but that they will take the proposition of the noble Earl on its own ground, and vote with my noble friend the noble Duke near me;

that is to say, I hope they will reject the proposition. In fact, the resolution proposed this night embraces but a very small part of this important question; but let your Lordships observe this,—that if you adopt such resolution, you will be called upon to go forward still further; not, perhaps, by the noble Earl,—perhaps by none of the noble Lords opposite,—but by others who will found themselves on this resolution. After what has been so ably said by my noble friend who has just sat down, it is scarcely necessary that I should address your Lordships at any length on the substance of this motion. The noble Earl opposite, in stating that the prices have not remained steady under the operation of the present system, of course does not speak of absolute steadiness; he must mean steadiness comparatively to the prices of corn in other countries at the same time. But my noble friend who has just sat down has made his comparisons on the supposition that the word 'steady,' as used by the noble Earl opposite, means absolute steadiness, and has contrasted the fluctuations in the price of corn in this country with the fluctuations in the prices of other articles. Now, I will compare the steadiness of the price of corn in this country with the degree of steadiness of price in the same article, at different points of time, in different countries. I speak from recollection, and from having lately seen papers on the subject in the hands of noble Lords, when I say that, comparing the effect of these laws with the changes resulting from the former law, in various parts of the country, it will be found that the variations of the prices under these laws, from the period of their enactment up to the present time, are greatly less than have been the fluctuations and variations of price under any other system. But I will go a little further, and add that, on comparing the alterations of prices under these laws, in this country, with the variations of the prices of corn in other parts of the world, in which there happen to be no corn-laws,—taking, for instance, Dantzic, Hamburg, and the United States of America,—it will be found that the variations of the prices of corn in those countries have been frequently greater than in this country, during the operation of our existing corn-laws.

The statements from which I derive these facts are available to the noble Earl, and I would refer the noble Earl to them. If he looks at the returns, he will find that I am correct. Now, this goes to destroy the noble Earl's argument of instability; and

that, it will be seen, is the only ground of the resolution. That is the only ground on which the noble Earl asks your Lordships to consent to a total alteration of the present system, and it fails him entirely; and therefore it is absolutely impossible for your Lordships to vote for the noble Earl's resolution. The system which it is the object of the law to establish is one of encouragement for agriculture—a system which was established at the termination of the last century; and under which I will venture to assert, without fear of contradiction from the noble Earl, or from anybody elsewhere, the agriculture of this country has made a progress, and has risen to a degree of superiority throughout these kingdoms, greater than exists in any other part of the world, not excepting even the Netherlands. Under this system of encouragement to agriculture, large sums of money have been laid out and invested in land, and property relating to land; and great sums are at this moment in the course of investment in the same way; and I call on your Lordships not to agree to any resolution or to any measure of the Government (if they should think proper to propose any such measure) which will have the effect of withdrawing from agriculture this protection, and thus putting a stop to those great improvements which are at present in progress, and which, I say, have had such an influence upon agriculture, that the amount of produce raised in this country is thereby greatly increased. I believe that the produce of the country has been immensely increased, and particularly in the valuable article of wheat, the annual produce of which is now nearly equal to its greatest annual consumption. Such is the supply of wheat, that the very lowest order of the people subsist mostly upon it; which is not, I believe, the practice in any other country. The practice is not known anywhere else: it is not known in France; it is not known in Germany; it is not known in the Netherlands; nor is it (in short) the case anywhere else. In fact, the lowest orders live upon wheaten bread in no country of the world except England. I entreat your Lordships to bear this in mind; I entreat you not to break down a system which has carried cultivation to such a pitch, that an amount of produce is raised in England alone which is found to be nearly equal to her greatest annual consumption. I am happy to say, and I think that before I sit down I shall be able to prove to your Lordships' satisfaction, that in proportion as the agriculture of the country shall improve,

the annual amount of produce will increase. This is my firm belief; and I am confident that with the increase of produce there must come, and come naturally too, a corresponding decrease of price; and it is to that consequence that I look as being the solution of all the difficulties which at present attend this question. But, let your Lordships recollect, it is absolutely necessary to keep up this encouragement in order to arrive at the desired result of the reduction of price. Very lately, when wheat in this country was at 73*s.* a quarter, and the duty on importation was a merely nominal one of 1*s.* a quarter, was there any such quantity of foreign wheat introduced as was sufficient to lower the price? Not at all. The moment the ports were opened, the merchant importer stood on the same ground as the farmer, and he would not sell his corn for one shilling less than the price of the day. Did we ever hear of corn coming in from abroad, and being brought to market at a cheaper rate than it was selling for in this country? Never. But look to the operation of the law prevailing in the former part of the war; the prices varied from 70*s.* a quarter to 150*s.* a-quarter. Did we ever hear of foreign corn being sold for one shilling less than what could be got for it in the general markets of this country? It must be sold by the merchant importer at the very same price as by the farmer. It is all very fine to say that the price would be exceedingly low, if these laws were abolished, and corn were allowed to be introduced without restriction. Why, if the price of corn raised in this country were low, the foreigner could not get more for his corn here than the farmer; but if the price of home-grown corn were necessarily high, the introduction of foreign corn would not reduce it.

It is very important to look at this question with reference to the interests of the commerce of the country, and also to consider the effect of the abolition of the corn-laws on the price of provisions, and on the price of manufactures. Now, if we discourage agriculture to such a degree that any large body of persons and a great amount of capital come to be withdrawn from it, the price of native produce must rise; there would be so much less produce raised than before, that its price—the price of the native produce I mean—must rise. Now, the price of the corn imported will be the price of the diminished quantity of the home-raised corn. Would the manufacturing labourer profit by this? Would the

manufacturer find any advantage in it, when the diminished value of their wages was forcing the laborers to raise the market upon him? Would the merchant exporter gain anything by the change? Would it not be found that, in proportion as the manufacturer must pay a larger amount of wages, the prices of his manufactures must be augmented; and therefore the disadvantages of competition with merchants abroad be augmented likewise?

But there is another view of the question, which I beseech your Lordships to take; I mean the question of our dependence on foreign produce for a great part of our annual consumption, which would be caused by the abolition of the present law. On looking over the papers which have been produced on former discussions of this subject, I have seen proofs that in certain countries duties are laid on the exportation of corn thence hither; and that statements are made by the sovereigns of those countries to this effect:—'As the corn is wanted by Great Britain, and her subjects can afford to pay the duty, therefore they shall pay it.' That duty must come out of the pockets of her Majesty's subjects, and be taken into account in the price of the goods of the manufacturers. Your Lordships have heard a great deal, both to-night and on a former evening, about the competition of foreign manufacturers with our own in foreign markets. I certainly am one who do not despise the consideration of these subjects,—which, on the contrary, I think of very high importance; but this question is a large one, and it is necessary to judge it on rather broader grounds. This very consideration may be material with respect to some countries of which we have been the creditors; but I do not see how our relations with those which are not corn countries can be affected by any change in the corn-laws. The power of taxation, which would be thrown into the hands of foreign powers, in the event of the repeal of the corn-laws, constitutes, in my view, a most important features of the case. Suppose we were involved in an arduous competition with Prussian or Russian manufacturers for the supply of a particular article. If we should make up our minds to rely entirely on those countries for a supply of corn, as we are called upon to do by the opponents of the corn-laws,—and if the success of our manufactures depends on the abundance and cheapness of corn among our population,—must we not expect, according to the usual course of such affairs among mankind, that

the corn exported from those countries would be taxed so as to render the food of our manufacturers as dear as it would be under any other circumstances? If that is likely to be the case, I would strongly advise you, my Lords, to agree to no measure which may render this country dependent upon others for its supply of bread. Let us persevere in those measures which have been successful in raising the agriculture of this country and increasing its produce; let us increase its produce to the utmost possible degree, and render all the articles of food as cheap as possible; and then let us see what can be done with reference to commerce and its interests; but let us, I entreat, begin by securing to her Majesty's subjects a supply of the best food from the produce of her Majesty's own dominions.

The Earl of RADNOR supported the motion.

THE DUKE OF WELLINGTON said:

My Lords, I wish to say a few words in explanation. When I addressed your Lordships a short time since, I called your attention to the fact that protection has been given to agriculture, among us, for nearly half a century; and I do not think you will withdraw that protection suddenly from it; nor do I think you will do so at all. It must be notorious to you all,—and I am perfectly convinced that it is known to the noble Earl, as well as to every other noble Lord in the House,—that enormous sums of money have been laid out during the last fifty years, and particularly during the last twenty years, in the improvement of the land; and this has tended to the general good of the country, and so much the noble Earl has himself, in as many words, admitted to be the case. I therefore entreat your Lordships not to consent to a resolution which will be the first step towards the abolition of the present system. The noble Earl says that I am an advocate for a monopoly; and he talks about my not assisting the landlords, not assisting the farmers, and not assisting the laborers. My Lords, I know nothing about landlords, farmers, or laborers, when I am advocating a legislative question of a public nature in this House. I have nothing to say to them any farther than as their interests are identified with those of the community at large. I beg the noble Lord to understand that, when I come into this House, I come here upon the public interest. I have no more to say to landlords, farmers, or laborers, than the noble Earl himself;

and I am thoroughly convinced there is not a noble friend near me who does not look at this question solely on public grounds, and those which he conceives it to be for the interest of the country to take. It was upon that ground I argued the question throughout the whole time I had the honor of addressing your Lordships. The noble Earl has alluded to what was stated by the noble Earl (the Earl of Ripon) who sits near me. That noble Earl (the Earl of Ripon) said that there has been a great variation in the price of wool since the duty had been taken off the foreign wool; and he then went on to argue that there can be no reason why the same result should not take place with respect to corn, if the duty were taken off foreign corn. The noble Earl (of Radnor), however, has greatly misunderstood the argument of my noble friend. It is perfectly true that when the duty was taken off foreign wool the wool-growers of this country complained. Whether they complained with or without reason is not now the question; but subsequently the exportation of home-grown wool was allowed, and then there ensued an enormous increase in the price; and the law admitting the exportation of home-grown wool has entirely succeeded. But I do not think the noble Earl opposite (the Earl of Radnor) will contend that this would be the result after taking off the duty on foreign corn, by the exportation of home-grown corn. The noble Earl has mistaken me upon another point. I never said that the exportation of corn by other nations would be prohibited. I said no such thing. First of all, I stated that we have positive proof that the price of foreign corn was always exactly the same as the price of corn of home growth; that the merchants dealing in foreign corn take care to sell it at the same price as the merchants dealing in the home trade sell the home-grown corn; and that, in point of fact, there is no cheapness resulting from the importation of foreign corn. I then quoted an instance, and said that in the course of the last war a foreign power imposed a tax on foreign corn which was about to be imported into this country, because at that time the price of corn in this country was high. Therefore the people of this country had to pay not only the high price which corn of home growth sold for in this country, but in addition to that they had to pay the amount of the tax which was levied on foreign corn by a foreign sovereign. That was my argument. I did not state that the exportation of foreign corn had been prohibited, or that it would be prohibited.

That which I stated was, that it would be taxed; and it was on that ground, and that ground alone, that I argued the question now before your Lordships.

Motion rejected by 224 to 24.

March 21, 1839.

GOVERNMENT OF IRELAND.

The Earl of RODEN moved for a Select Committee to inquire into the state of Ireland since the year 1835, with respect to the commission of crime.

The Marquis of NORMANBY vindicated his administration of Ireland.

THE DUKE OF WELLINGTON said:

My Lords, I do not hold that the noble Marquis who has just resumed his seat has done justice to the noble Earl by whom the present motion has been brought forward, when he attributes to him any violent or party motives; for I think I never heard a more moderate speech, on the introduction of a motion of this sort, than that which has been made by my noble friend this night. He has stated, clearly and dispassionately, the points to which he wishes to direct the attention of your Lordships, and upon which he calls upon the House to institute an inquiry; and there certainly was nothing in what he said which exhibited anything of party inclination against the noble Marquis. The noble Marquis is no doubt well satisfied with his government in Ireland; and I must say, as the noble Earl by whom the motion has been made has already said, that there is no charge against him personally; but what the noble Earl really states is, that a very great degree of crime has been apparent, and that murders have been frequent, during the administration of the noble Marquis. My Lords, I believe the fact to be, that during the last year the average number of homicides throughout Ireland was from two to three a-day, or from 700 to 1000 in the course of twelve months; and I say that this fact alone, without adverting to the other topics which have been mentioned by the noble Earl, ought to be sufficient to induce your Lordships to institute the inquiry on the subject generally which is asked by my noble friend, more particularly with reference to a recent melancholy event, in order to ascertain whether there is not something in the jurisprudence and administration of the law of that country which requires some remedial measure beyond

what it is within the power of the Executive Government to exercise. The noble Marquis, in his speech, has reminded your Lordships that upon every occasion that this subject has been discussed, it has been shown that the state of Ireland was never otherwise than disturbed. That is certainly rather a large mode of disposing of the question. I, however, am somewhat of a different opinion. Upon former occasions we had not a Government coming down to Parliament to tell us that Ireland was in a state of tranquillity—we had not a Speech from the King on the throne informing us of the same fact—and we had not the satisfaction of seeing the Lord Lieutenant, in his place in this House, making a speech of some two or three hours' length to prove that Ireland was in a state of perfect tranquillity; and, in cases of murder, alleging that the want of the discovery of the offenders was to be attributed to the conduct of my noble friend sitting near me, and not to the inefficiency of the means employed by the Government for that purpose. I say, my Lords, that the circumstance of the murders which have been committed, and of threats having been held out to a noble Lord connected with the county of Tipperary, together with the state of crime, as appears from the Returns presented to the House by the Government itself, is in my opinion a sufficient ground of inquiry. When we had a discussion upon this subject a year ago, I ventured to point out to your Lordships the difference between the returns made to this and to the other House of Parliament. The noble Marquis then made an able speech in reply to the observations which I had made; but I thought he entirely failed to show any sufficient cause for the existence of the difference. I hold in my hand a paper of the same description as that to which I have alluded, containing the return from 1837 to the end of the last year; and your Lordships will hardly believe that in the Returns made by the inspectors of prisons, and those made by the clerks of the crown and the clerks of the peace, who make a return of the number of persons tried at the assizes and quarter sessions, there is in the year 1837 the difference between 14,804 and 22,241, and the number returned in this year is 27,340.

Lord PLUNKET: The difference is produced by the returns from the petty sessions, which are included in the one and not in the other.

THE DUKE OF WELLINGTON:

I have allowed for the petty sessions; and that fact alone,

which I have stated, and which is not accounted for, and which I take on the face of the return made to Parliament, is, I conceive, a sufficient reason for the inquiry for which my noble friend has moved. But, my Lords, there is another ground upon which I shall press the necessity of granting the inquiry; for it appears, from a late discussion in another place, and in this House this evening, that it is admitted that a secret society is existing in Ireland called the Riband Society, for the crimes in connexion with which a separate column had been prepared in the returns furnished by Government for some years, until lately, under the government of the noble Marquis. Now, my Lords, it appears to be stated that several persons have been proved to be members of this society, and that they have bound themselves by the same oath, in different parts of the country; and this fact alone, which is admitted by the Government, is a sufficient ground of inquiry by this House into the state of the execution of the criminal law in Ireland, to see how far the state of crime is influenced by the proceedings of this society, and particularly as to the mode in which certain persons are enabled to influence the members of it. But there is still another view in which the question may be regarded, and which is highly important. It appears that the Government have known of the existence of this society for some time, and I should like to know whether they were aware of its members being bound by this oath? And if they were acquainted with the nature of that oath, I would also beg to inquire how Her Majesty's Ministers could put into the mouth of Her Majesty, in a Speech from the Throne, expressions in which she was made to advert to the 'state of tranquillity in Ireland'? I say, my Lords, that that also is a ground for this inquiry. The noble Marquis has been pleased to say that the noble Earl has made a personal motion against him, and has thought proper to judge him respecting the appointments which he has made during his government in Ireland. There is no insinuation at all against the noble Marquis in this respect; but as the House has now obtained the knowledge of the fact, that it is admitted that there is a secret society existing in Ireland called the Riband Society, and as the noble Marquis has chosen to advert to his appointments, and to justify them, I should like to hear from the noble Marquis (I know he has taken care never to appoint an Orangeman to a situation—they were all sent away—there was no need of them)

whether he has taken care not to appoint any Ribandmen to any situation?

Several NOBLE LORDS: Hear, hear!

THE DUKE OF WELLINGTON:

That is a very important point. It is not my wish to attack the appointments of the noble Marquis; it is not my practice so to do; but when the noble Marquis comes here to defend himself, and speaks of not making distinctions between Protestants and Roman Catholics, he ought to go a little further than he seems disposed to go. This, however, is not the question; but whether Ribandmen, bound by a secret oath to perform certain acts, whether legal or illegal, are fit persons to be appointed to situations? The noble Marquis has said a great deal upon the subject of the 'Precursor Society,' but upon this I know nothing. I should only like to be told, when the noble Marquis talks so much of his appointments, whether he has appointed any Precursor?

The Marquis of NORMANBY: Never.

THE DUKE OF WELLINGTON:

And whether, the Precursor being a man who pays his shilling in order to bind himself to the repeal of the Union, and as one of 60,000 fighting men out of 2,000,000, the noble Lord has taken care not to appoint any such person? No charge has been made against the noble Marquis, for I do not think that my noble friend has said one word about his appointments in his speech; and I should not have said anything about them either, if the noble Marquis had not thought proper to advert to them himself; but the object of all that has been done is to bring this part of the case under the consideration of your Lordships, and under that of the noble Lord who has recently been appointed to fill the office lately held by the noble Marquis, in its true light—that is, on the ground, not of the appointment of Roman Catholics or Protestants, but of Orangemen and Ribandmen.

Motion carried by 63 to 58.

April 30, 1839.

LIBERTY OF THE PRESS IN MALTA.

Lord BROUGHAM called the attention of the House to an ordinance recently emanating from the Government for the purpose of checking the liberty of the press in Malta, and moved an Address to the Queen for the disallowance of the said ordinance.

Lord GLENELG opposed the motion.

The Marquis of NORMANBY defended the conduct of Government in the matter.

THE DUKE OF WELLINGTON said:

Being unwilling at all times to trouble your Lordships with my observations, and more particularly upon questions in which the prerogative of the Crown is involved, I confess I should have been anxious to avoid touching on this subject at all, had it not been for some remarks which fell from the noble Baron (Lord Glenelg) in the course of what he said. The noble and learned Lord advanced, in an unrivalled speech, his objections to this ordinance, and moved for an address to entreat Her Majesty to permit the ordinance to be disallowed, for the purpose of having its different parts reconsidered. The noble Marquis the Secretary for the Colonies, has stated that, when first this subject was brought forward by the noble and learned Lord, he informed the House that the ordinance was under consideration, and that it had not been rejected, nor had it been confirmed; but, further, that the Governor, having been desired to carry it into execution, had been desired also to report upon it, and that Her Majesty's Government would take the subject into consideration after having received the report of the Governor as to the working of the ordinance. The noble Marquis has repeated the same statement just now, and added that the subject was still under the consideration of the Government; that the ordinance at present was in course of execution in Malta, that the Governor would report upon it, and that it would be taken into consideration by Her Majesty's Council when the report should be received, and that they would act accordingly. Under these circumstances, I feel myself dispensed from the necessity of voting for the Address; and certainly, considering it as a matter entirely for Her Majesty's Council, I should suppose that the proper course for the House to adopt would be to request the noble and learned Lord, in consideration of what

the noble Marquis has stated, to withdraw his motion. But I am particularly anxious to address your Lordships upon what has fallen from the noble Baron. I am one of those who have always thought that, if there existed any part of Her Majesty's dominions in which a free press was not necessary, Malta was that part. Our business there is to maintain a garrison and a great naval station. Malta contains a population of 100,000 persons, for whom I entertain the highest respect and regard, being convinced that Her Majesty has not better or more devoted subjects than they are. It is the duty of Government, and the duty of this House, as far as it can, to superintend the good government of the people of Malta,—the good government, I say, of the people of Malta—a people who talk the Maltese language, and the Maltese language alone—a people of whom not one in five hundred can read a line. Surely, of all the institutions of this country which are least necessary for a people of that description—and I declare my belief that this is a true description of the people of Malta—I venture to assert that a free press is that one institution. I do not dispute with the noble Lord on the third bench (Lord Glenelg), and, above all, with the noble and learned Lord who has brought forward this motion, the advantage which might be derived hereafter by the population of Malta from a free press, but I believe that it will be admitted that there are other institutions—that of education, for instance, and others of a like description—still more necessary for the happiness of the people, and which besides it will be requisite that they should receive, in order to render that of a free press useful to them hereafter—I say useful to them, much less advantageous; and therefore I contend that they should receive the advantage of education before a free press is conferred upon them. I stated what I believed to be the facts on a former occasion, when the question was under discussion. A certain liberal set of gentlemen, however, in this country think that a free press in Malta is exceedingly desirable, not for the sake of the advantage of Malta, but for the sake of the advantage to be produced on the people of the neighbouring coasts of France, of Spain, and of Italy. With respect to the advocacy of a free trade in Malta, I acquit the noble Baron (Lord Glenelg), nay, more, I acquit all the noble Lords opposite of entertaining this question in their minds at the present time; I believe that they have had enough of private war; I believe that they now see the

advantage which would have accrued to this country, as well as to other parts of the world, if we had never undertaken any private wars, either with those parts of the world or with countries nearer home. I acquit them of any such intentions at the present time, but I do not care at what time those intentions were entertained as to the objects of a free press, because I regard all such objects as inconsistent with the interests and the honor of my country. They are inconsistent with the interests of this country. I maintain, and I have always maintained, that the interests of this country essentially depend not only on maintaining peace for itself, but also on maintaining peace among other nations, and upon preventing any possible disturbance among other nations; and I say, also, that the power of this country depends upon not exciting to insurrection and rebellion in other countries, while at the same time it is asserted by the Government that we are ostensibly, and in fact, at peace with those nations. These are the grounds on which I have always objected to a free press in Malta. First, because the intention of its enactment is not for Malta, but for the neighbouring coasts of France, Italy, and Spain; and next, if we are to have a free press in Malta, in God's name let it be a press in the Maltese language; and I would venture to recommend to the noble Marquis opposite, if he would listen for a moment to my recommendation, that, if Government are about to amend the ordinance, he would have the kindness to insert a little paragraph, to enact that the press to come under the regulations of this ordinance must be in the Maltese language, and that he would also take care that the ordinance itself shall be drawn up in the Maltese language. I have not, however, as yet performed the duty which induced me to trouble your Lordships this evening. The noble Baron opposite has stated that he considers a free press to be necessary in Malta, on account of the long period of misgovernment which he states to have prevailed in Malta, and of the sinecures which have been held by persons introduced from England. I must say that I cannot exactly see how this press is to save the people of Malta from the occurrence of such evils for the future; and there is one remark which I must make upon the latter part of the statement. If the island of Malta has for a long period of years required such a remedy as a free press, I beg to remind the noble Lord that, during a great part of that time, the island has been under the noble Baron's own government—at all events, I

think that the noble Lord has been in office under the governments of those who so, as he says, misgoverned Malta for this long period of time—for a period of not less than twenty-five years, and a short time, about a year and a half, under myself; and when I had the misfortune of losing the confidence of the noble Lord, for whatever else this may have been, it certainly was not on account of the misgovernment of Malta. I think, therefore, that it is strange that, while the noble Lord was in office supporting the Government which he now says misgoverned the island, it had never occurred to the noble Lord before March last that we ought to establish a free press in Malta. I beg leave to give a different account of that island. I have reason to know something of the island of Malta; I have had opportunities of trying its resources; and, instead of being an island which is misgoverned, I must say that, in my intercourse with Malta, I was astonished at the excellence of its government, at its immense resources of all descriptions, and at the readiness with which those resources were furnished to his Majesty's forces and his army, to enable them to carry on the war against his enemies. I say this, because it is but justice to the Maltese, and to those noble and hon. persons who have governed Malta and this country. I say, then, that I have known Malta since a period of a little more than twenty years; and I really believe that on the whole globe there is not a place of the same extent and of the same population which possesses one thousandth part of its riches or its resources of all descriptions. At least, when the noble Lord talks of the abuses of the government of Malta, he ought to remember the period of its prosperity, and he ought to have stated something of that prosperity; and I am sure that the noble Lord will, with his usual candor, forgive me for directing the attention of the House to such facts. I think, in reference to the question now before the House, that it is where it ought to be, in the hands of the Government. If they think proper to establish a free press in Malta, I cannot help it; but I have no desire to press the motion before the House, or to do anything to interfere with them. I entreat them, however, to remember the whole state of the island of Malta, and of that garrison of great name and station. They have great duties to perform in order to hold the place, and it is the duty of the Government to keep possession of Malta according to the laws, and to promote its prosperity by every means in their power; and I say that, if a

free press is required to promote its happiness and prosperity, let it be a Maltese free press, and not an English or an Italian press.

May 14, 1839.

RESIGNATION OF THE MELBOURNE MINISTRY.

Viscount MELBOURNE having made a statement with reference to the resignation of Ministers, on the majority against them on the Jamaica Government Bill,

THE DUKE OF WELLINGTON said:

In addressing you, my Lords, on the present occasion, I shall endeavor to imitate the moderation of a part of what the noble Viscount has said; and, in doing so, I think that I shall pursue the course which is most becoming to my own situation, most suitable to the subject I have to discuss, and most agreeable to the feelings of your Lordships; and, my Lords, in order that I may sustain the same tone of moderation with which I commence, I will take the liberty of laying aside those reports to which the noble Viscount has referred, and which, in my opinion, have nothing to do with the subject now before your Lordships. Probably, if I were inclined to enter into a discussion of those reports, I could find a little to say upon them likewise; and in referring to them I might be induced, as the noble Viscount has been induced, to depart from that tone of moderation to which it is my firm intention to adhere throughout the whole of the address which I am now about to make to your Lordships. I must, however, say, that I have one advantage over the noble Viscount in respect to reports. I have served the Sovereigns and the public of this country for fifty years, and throughout the whole of that period I have been exposed to evil report and to good report, and I have still continued to serve on through all report, both good and evil, and thus I confess myself to be completely indifferent to the nature of reports. It does, however, surprise me to find that, in the course of the last few days, I have been traduced as having ill-treated my most gracious Sovereign—I, who was about to enter into her service, and to be responsible for her Government—for no other reason that I know of, save that I was going at my time of life to take upon myself the trouble of sharing in the Government.

Having been so treated all my life, I have gained the advantage of being able to preserve my temper under it; and this advantage I have over the noble Viscount, who seems very sensitive about certain reports circulated respecting him, with as little foundation as the reports about myself which I have just mentioned to your Lordships. The noble Viscount commenced the observations which he addressed to your Lordships, by stating that he expected that I should have commenced the discussion of these subjects, and not himself. I am much obliged to the noble Viscount for the compliment he thus offered me; but, unless a question had been put to me pointedly, I do not know that I should have had any occasion to give any explanation respecting them. I certainly should not have thought it necessary to give any explanation today, had I not been called upon by what has just been stated by the noble Viscount; for I have heard that a most full, a most distinct, and a most satisfactory explanation of these transactions was given by my right hon. friend the Member for Tamworth, last night, in another place. However, my Lords, I admit that you have reason to expect, when a member of your body has been engaged in such negotiations as these, that he should explain to you what has passed, especially when he is called upon to explain by one of his brother peers. My Lords, it is perfectly well known that I have long entertained the opinion that the Prime Minister of this country, under existing circumstances, ought to have a seat in the other House of Parliament, and that he would have great advantages in carrying on the business of the Sovereign by being there. Entertaining such an opinion, it was only to be expected that I, who on a former occasion had acted upon it, should, if again called upon by my Sovereign, recommend her to select a Member of the House of Commons to conduct the affairs of her Government. When the noble Viscount announced in this House, on Tuesday last, that he had resigned his office, the probable consequences of that annunciation occurred to my mind, and I turned my attention in consequence to the state of the Government at the present moment—to the state of the Royal authority—to the composition of the Royal household, and to all those circumstances which were likely to come under my consideration, in case I were called upon to assist in advising the composition of another administration. I confess that it appeared to me impossible that any set of men should take charge of her Majesty's Government with-

out having the usual influence and control over the establishment of the Royal household—that influence and control which their immediate predecessors in office had exercised before them. As the Royal household was formed by their predecessors in office, the possession of that influence and that control over it appeared to me to be especially necessary, to let the public see that the Ministers who were about to enter upon office had and possessed the entire confidence of Her Majesty. I considered well the nature of the formation of the Royal household under the Civil List Act, passed at the commencement of Her Majesty's reign. I considered well the difference between the household of a Queen Consort and the household of a Queen Regnant. The Queen Consort not being a political person in the same light as a Queen Regnant, I considered the construction of Her Majesty's household; I considered who filled offices in it; I considered all the circumstances attendant upon the influence of the household, and the degree of confidence which it might be necessary for the Government to repose in the members of it. I was sensible of the serious and anxious nature of the charge which the Minister in possession of that control and influence over Her Majesty's household would have laid upon him. I was sensible that in everything which he did, and in every step which he took as to the household, he ought to consult not only the honor of Her Majesty's Crown and her Royal state and dignity, but also her social condition, her ease, her convenience, her comfort, in short, everything which tended to the solace and happiness of her life. I reflected on all these considerations as particularly incumbent on the Ministers who should take charge of the affairs of this country; I reflected on the age, the sex, the situation, and the comparative inexperience of the Sovereign on the throne; and I must say that, if I had been, or if I was to be, the first person to be consulted with respect to the exercise of the influence and control in question, I would suffer any inconvenience whatever, rather than take any step as to the Royal household which was not compatible with Her Majesty's comforts. There was another subject which I took into consideration—I mean the possibility of making any conditions or stipulations in respect to the exercise of this influence and control over the household. It appeared to me that the person about to undertake the direction of the affairs of this country, who should make such stipulations or conditions, would do neither more nor

less than this - stipulate that he would not perform his duty; that he would not advise the Crown in a case in which he thought it his duty to advise the Crown, in order that he might obtain place. I thought that no man could make such a stipulation, and consider himself worthy of Her Majesty's confidence, or entitled to conduct the affairs of the country. I thought it impossible that such a stipulation should be made. Nor did I think it possible that the Sovereign could propose such a stipulation or condition to any one whom Her Majesty considered worthy of her confidence. First of all, the Sovereign making or proposing such a stipulation must suppose that Her Minister is unworthy of the confidence of the Crown; but suppose him to be worthy of confidence, and to break off all communication in consequence of the proposal of such stipulations, then the Sovereign would be placed in a very disagreeable and awkward position—a position into which I am thoroughly convinced, from what I have seen of the Sovereign now on the Throne, she never will be thrown. With respect, my Lords, to the share I took in these negotiations, I have to state to your Lordships that I waited by command on Her Majesty on Wednesday last. I am not authorised to state what passed in conversation between Her Majesty and me upon that occasion, not having felt it necessary to request Her Majesty's permission to do so. What I will state to your Lordships is this, that nothing there passed inconsistent with the opinions and principles which I have just explained, neither with respect to myself personally, and my own conduct as to the formation of the Government, nor with respect to the principles on which the patronage of the household should be managed, and its conduct, control, and influence, supposing Her Majesty should think proper to intrust me with the administration of affairs. Her Majesty acted on the advice which I humbly tendered to her, and sent for a right hon. baronet, a friend of mine, in another place. In proposing to Her Majesty to send for Sir Robert Peel, I ventured to assure Her Majesty that I was perfectly ready to serve her, in office or out of office; I preferred serving her out of office. I was willing to undertake to conduct the affairs of the Government in this House not in office; but if Her Majesty and Her Ministers preferred it, I was ready to conduct the duties of any office—to do, in short, whatever would be most convenient to Her Majesty and to Her Ministers, being disposed to lend all my assistance in every possible way to serve

Her Majesty in whatever manner it might be thought most desirable that I should do so. After I had this interview, my right hon. friend also waited by command upon Her Majesty. He certainly did consult me and take the opinion of others, as stated in my right honorable friend's letter, on the important point of the construction of Her Majesty's household. I may state, my Lords, that all who were present upon that occasion, my noble and learned friend behind (Lord Lyndhurst), and several others, gave an opinion exactly in conformity to what my right honorable friend has stated in his letter; and he waited upon Her Majesty the following day with the view of submitting such propositions as he should think proper, according to what he had stated to his intended colleagues. In the course of the conversation which Sir Robert Peel had with Her Majesty on Thursday, a difference of opinion arose with respect to the ladies of the household. My right hon. friend suggested, I believe, that I should be sent for, in order that Her Majesty might have my opinion on the subject. The right honorable baronet came up to my house and informed me of what had occurred, the discussion which had taken place on the subject, and what he had proposed, entirely in conformity with the principles which I have stated to your Lordships. I returned with him to Buckingham Palace, and after a short time I was introduced to Her Majesty's presence. It is not necessary, and indeed I have not permission, to go into the details of the conversation which passed between Her Majesty and me on that occasion. All that I shall say on the subject is, that nothing passed on my part inconsistent with the principles I have already stated, which I maintain are the correct principles to govern a case like the present, and most particularly that part of the subject which related to the administration of the influence and control of the Royal household, supposing Her Majesty should think proper to call me to her Government. My right honorable friend has stated correctly that part of the conversation which related to the interpretation and decision to which Her Majesty had come—'that the whole should continue as at present, without any change.' This was Her Majesty's determination; and accordingly I did, as stated in the paper, immediately communicate to Sir Robert Peel, who was in the next room, the decision of Her Majesty to that effect. I do not know, my Lords, that it is necessary for me to go any further into this matter; we afterwards

had a communication with other noble Lords and right honorable gentlemen, and we found it impossible for us to undertake the conduct of Her Majesty's Government unless this point was put to rights. The noble Viscount has stated that he gave Her Majesty advice upon the subject—to write a letter on a statement which he admits was erroneous. I don't mean to draw any conclusion from this, except that possibly it might have been better if the noble Viscount had taken some means to ascertain what the right statement was before he gave the advice. Whether the statement were erroneous or not, the noble Viscount had a right, if he chose, to act on the principle that our advice was erroneous; that our demands were such that they ought not to have been made; but it would be well for noble Lords not to be in so great a hurry in future, as to give their opinion and advice upon such important matters without well assuring themselves that they have a really correct statement before them. My Lords, I cannot but think that the principles on which we proposed to act with respect to the Ladies of the Bedchamber in the case of a Queen Regnant were the correct principles. The public will not believe that the Queen holds no political conversation with those ladies, and that political influence is not exercised by them, particularly considering who those persons are who hold such situations. I believe the history of this country affords a number of instances in which secret and improper influence has been exercised by means of such conversations. I have, my Lords, a somewhat strong opinion on this subject. I have unworthily filled the office which the noble Viscount now so worthily holds; and I must say I have felt the inconvenience of an anomalous influence, not exercised, perhaps, by ladies, but anomalous influence, undoubtedly, of this description, and exerted simply in conversations; and I will tell the noble Viscount that the country is at this moment suffering some inconvenience from the exercise of that very secret influence. My Lords, I believe I have gone further into principles upon this subject than may, perhaps, suit the taste of the noble Viscount; but this I must say, that, at the same time we claimed the control of the Royal household, and would not have proposed to Her Majesty to make any arrangements which would have been disagreeable to her, I felt it was absolutely impossible for me, under the circumstances of the present moment, to undertake any share of the Government of the country without that proof of Her Majesty's

confidence. And now, my Lords, in concluding this subject, I hope with a little more moderation than the noble Viscount, I have only to add the expression of my gratitude to Her Majesty for the gracious condescension and consideration with which she was pleased to listen to the counsel which it was my duty to offer; and I must say, I quitted her presence not only impressed with the feeling of gratitude for her condescension and consideration, but likewise with deep respect for the frankness, the intelligence, the decision, and firmness, which characterised Her Majesty's demeanor throughout the proceedings.

May 30, 1839.

CANADA.—COLONEL PRINCE.

Lord BROUGHAM having moved for Minutes of the Military Court of Inquiry on Colonel Prince (in connexion with the Canadian outbreak in 1838),

Lord ELLENBOROUGH stated to the House Colonel Prince's own defence of his conduct.

The Marquis of NORMANBY made a statement on the part of the Government.

THE DUKE OF WELLINGTON said:

I readily gave way to the noble Marquis, and I am very glad I did so. My object in addressing your Lordships at all is, to remind you of the situation in which the House stands respecting this question, and to point out what I think it requisite you should well consider, namely, that you are not exactly proceeding in the usual course of justice in discussing a question of this kind, at this particular stage of the proceedings. The noble and learned Lord, having heard of this transaction, came down to the House the day before yesterday, and pronounced a very strong, a very hostile opinion on it, though not stronger than it deserved. My noble friend near me considered it his duty to make known to your Lordships some circumstances which had come to his knowledge from having perused the papers on the subject. The noble Secretary for the Colonies had said, that the Government had stated their disapprobation of the proceedings. This was the position in which the question stood on Tuesday. Your Lordships have now this case; we have gone into the consideration of the whole of the circumstances on both sides—circumstances which occurred six

months ago, and which involved the commission, the honor, perhaps the life, of an individual employed in the service of the country, and also the conduct and character of the Governor of Upper Canada. Of that functionary's conduct the noble Marquis has justly pronounced his approbation. Your Lordships left out of the question altogether that which I suppose no man can well have a doubt about; namely, that if Colonel Prince had misconducted himself as a military man—and that is his character in this transaction—there is another person concerned in this matter, namely, my gallant friend Sir John Colborne, whose duty it would have been to have brought Colonel Prince to a court-martial, and to have punished him according to the finding of that court. Besides, the gallant Colonel was liable to be tried for his life before the ordinary tribunals of the country. Having all this before the House, and in the minds of your Lordships, we have now come six months after the transaction to the discussion in this House of all the details, and expect that justice shall be administered, whether in a civil or military tribunal, after such a discussion. I never heard of such a discussion taking place in this House of Parliament in reference to any one liable to such charges until after the trial is over, the evidence heard, the sentence pronounced, and the House thus rendered competent to express an unbiassed opinion upon it. Under these circumstances I cannot help feeling that your Lordships are not in a situation to discuss this matter. My noble friend who sits near me has described to your Lordships the nature of the war carried on in this province; and I will not enter upon the question at any length, after the opinion which has been stated by the noble and learned Lord opposite. I have no wish to weaken an opinion so pronounced, than which nothing could be stronger. The noble Secretary for the Colonies has also stated that he concurs in that opinion. I have already drawn attention to this subject on the legitimate occasion, on voting an address to Her Majesty. I then stated the probability—nay, the certainty—that we should at last come in that country to a system of retaliation, and that, if the thing were not stopped, a state of warfare would arise more barbarous than any ever known; which not only could not be equalled in the present times, but which, I believe, has never been paralleled in history. I can now tell your Lordships what I know to be a fact, that such a system of warfare is actually going on there; and my opinion is, that it will be a

deep disgrace to the country to continue to endure it. If Her Majesty has not the power to assert her rights, to protect her loyal subjects on that frontier, we ought to abandon the province, and withdraw at once from the country. I am aware that some persons in this country wish us to abandon the province for other reasons. In those reasons I do not at all concur; my opinion is, that it is most desirable to retain this colony. My conviction is, that our honor requires that we should maintain it. Measures having been taken by other nations to deprive us of these colonies, our honor imperatively demands that our utmost energies should be exerted to preserve them. But I must say this, that, if we do not grant protection to the lives and property of the Queen's loyal subjects in these provinces, if Parliament will not vote the forces necessary to give that protection on the frontiers, we ought to abandon them altogether, and thus put an end to the system of warfare now carried on. It is a war full of the greatest horror, misery, and outrage. At this moment our guards and picquets are necessarily kept on the whole line of frontier, from one end of the country to the other. If by any accident we are obliged to withdraw our troops from one part of the line, the persons very appropriately designated brigands come over in sledges or some other description of carriage, cross the country, and the houses of the inhabitants everywhere in that particular direction are destroyed, life taken, and property plundered. All along this frontier there is a perpetual fire kept up from the side of the United States, across the imaginary line, upon our guards, our picquets, and even on the single sentinels posted along the line. In war every means is justifiable on both sides to get the better of the enemy; but, certainly, I never before, in the whole course of my experience, heard of such a thing as firing on single sentries, not to say guards or picquets. Yet this species of warfare is going on at present in this province. There has lately been a message brought down with respect to uniting this province with the other province; but have we possession? Is there a single spot of ground, except that on which the troops stand, on which Her Majesty's authority can be enforced? When first these events occurred, I recommended the Government to provide a sufficient force; I told them that there ought to be no such thing for a great country like this as a little war. I recommended that a large army and a large fleet should be assembled on the Saint

Lawrence at the opening of the season 1838. These recommendations were not acted upon. They were not adopted; and the House has nothing to do but to look at a little distance from us to see the reason why these recommendations were not adopted. What has been the consequence? That Government has been under the necessity of employing in its service the inhabitants of the country, the militia, the various local corps, instead of having bodies of regular disciplined troops, commanded by officers who know their duty and how to perform it. It is owing to this that these unhappy events have occurred—events which no one man more deplores than I do, and the guilty persons engaged in which I am most desirous to see punished. It is most unfortunate that it should have been found necessary to make use of what I can but call an inferior description of troops. Horrors such as those which have been witnessed could hardly be prevented, except with regular troops carrying on their operations under the command of officers of character, conduct, and experience. This is the only remedy for such evils as these, which must invariably prevail, more or less, wherever irregular acts of revenge are carried on by bodies of men acting on principles of civil war. I have in my experience more than once had the offer of men of this description, but I have always sent them away, preferring rather to have a limited body of troops than to have with me troops of this description, who will not obey the orders they receive. My opinion is, that, unless a sufficient army is provided, we must in the end abandon the country. Volunteers and that description of troops will always carry on war after the manner of civil war, and the same consequences will always ensue. It is impossible that the war can continue to be carried on, as it has hitherto been conducted, without the same results.

Motion agreed to.

May 31, 1839.

THE MELBOURNE MINISTRY.

The Earl of WINCHILSEA required from the new Government a statement of their principles with respect to foreign, colonial, and domestic affairs.

Viscount MELBOURNE made an elaborate statement in reply.

Lord BROUGHAM having addressed their Lordships at considerable length,

THE DUKE OF WELLINGTON said:

My Lords, I certainly do not rise to reply, or make any comment upon the very able speech which has been just made by the noble and learned Lord. Still less am I disposed to interrupt the good temper of the House by any observations which I might desire to make upon matters personal to myself. I can assure your Lordships that upon those personal matters I feel at the present moment exactly as I did when I addressed your Lordships a short time ago. I think I have even more reason to be totally indifferent on the subject of the reports referred to by the noble and learned Lord, since these reports have produced no effect whatever on the country. I believe that no credit has been given to them anywhere, and I have every reason to think that I am not mistaken on the subject. I must say that, from the commencement of these transactions, I have totally and entirely acquitted the noble Viscount opposite of having had any concern in circulating those reports. On the day previous to that on which I addressed your Lordships, before it had been stated in another place that the illustrious person referred to had acted from a misapprehension of the circumstances, the noble Viscount stated that himself. But, my Lords, at the very time I addressed your Lordships, I had in my pocket an address from a relation of the noble Viscount to his constituents—I fully believe without the knowledge of the noble Viscount—but containing such language, that either the writer must have been misinformed, or have stated what he did without information. At all events, I felt confident that the noble Viscount had not given the information. I will go further, and say I feel so confident in the force of truth that, even if the noble Viscount had given such information, I should have felt the same contempt for the reports that I did feel at the moment I addressed your Lordships on the former occasion. I must fairly say that I entirely acquit the noble Viscount of having made such a communication. As to other matters adverted to by the noble and learned Lord, I must confess that I am one of those who never thought that the Government had, on the 7th of this month, any very good reason for resigning their offices. That was my opinion at the time, and it has been my opinion ever since; and the more I have reflected on the subject the more convinced I am that my judgment was not very erroneous. In fact, my Lords, they could not carry, they found, that one question in Parliament

relating to Jamaica. Why, my Lords, no man will tell me that there were not many measures that could be substituted for that measure. The noble and learned Lord says yes, they have found a measure, but not a good one; the former was the right, and this was wrong. [Lord Brougham 'What I said was: if the former was right, the present is wrong.'] I must say I felt at that time that, although they could not carry that measure, they might carry measures which might have been substituted for it. I confess I never saw any reason why the Government should retire, and I must add, after the discussion in another place on this subject, that those who undertook to carry on the Government felt extreme difficulty cast upon them. I think, as I have said, that another measure might have been substitutad by the noble Viscount's Government, but that was a matter for them to consider, and not for me. I give your Lordships what was my impression at the moment the Government retired; and it is an opinion which has been confirmed by reflection upon what has passed since. On the other part of the subject, and upon what the noble Viscount has stated in answer to my noble friend, I have but little to say. I am in the habit at times, in my place in this House, of giving my opinions and sentiments to the noble Viscount. I earnestly recommend him to persevere in the intentions which he has announced in the course of the discussion this night. Let him honestly perform his duty in the Government of the country. He has failed in carrying one measure which he proposed to Parliament in a former Session. Let him persevere in the performance of his duty, not only in Parliament, but out of it; and let him trust to the good sense of Parliament and the country for his support. And although certainly I have the misfortune of differing from him on many subjects, I think I may venture to tell him that he will not find Parliament fail him if he will honestly and sincerely perform his duty.

June 11, 1839.

MINISTERIAL CIRCULAR: ARMING THE PEOPLE.

The Duke of BEAUFORT put a question to Viscount Melbourne respecting a circular letter addressed by the Secretary of State for the Home Department to the Lords-Lieutenant of certain counties, on the subject of allowing individuals to arm for the protection of property.

Viscount MELBOURNE explained the extent to which the authority in question had been given to Lords-Lieutenant.

THE DUKE OF WELLINGTON said:

I am not one of those Lords-Lieutenant to whom the circular in question has been addressed; but I should be glad to see it, as well as any instructions which may have been issued at the same time, in order to render it efficient. Two or three things strike me on this subject, on which I wish to ask a question. I am anxious to know whether or not the noble Viscount has adverted to the powers given to magistrates by certain Acts of the late King's reign, authorising them to swear in special constables; whether that is the class of persons whom it is the intention of the Government to arm under the instructions given by the Secretary of State? If that be the case, I cannot understand it. I shall now ask another question. I understand that, under the Act for regulating corporations, which was passed in 1835, and was much discussed in this House, powers are given to those corporations to form a police; they are enabled to raise funds to maintain that police; and the Act to which I refer also empowers them, if necessary, to raise a body of men to keep watch and ward. Now, I wish to know whether these are the people intended to be armed, under the circular, as a constitutional safeguard? I would have your Lordships recollect that, in all corporate towns, there is a great deal of party spirit. Now, suppose that the mayor of Bath were to take it into his head to arm, in the present year, a body of men of one political opinion, and that next year another mayor, of another opinion, and of a different party, should arm another body; what would be the consequence? These are points worthy of consideration. I should be glad, therefore, if the noble Viscount would allow the House to see the papers and circulars connected with the subject, in order to know what instructions Lords-Lieutenant have been directed to give to magistrates for the purpose of carrying into effect the intentions of the Secretary of State.

Viscount MELBOURNE pointed out that corporations or magistrates might arm the police.

THE DUKE OF WELLINGTON said:

If the mayors of boroughs authorise the arming of any bodies of men, they are responsible, not to the corporation, but to the law, for their acts. In the present case, however, no party is respon-

sible: the present mayor of Bath may be a Chartist, and arm 1000 men; and in November next another mayor, of different politics, may place 1000 men of different political opinions under arms. Such a state of things can only be productive of the greatest mischief to life and property.

June 13, 1839.

POOR-LAW ADMINISTRATION.

Earl STANHOPE presented a petition complaining of arbitrary administration on the part of the poor-law authorities.

After some discussion,

Viscount MELBOURNE vindicated Col. A'Court, one of the Poor-law Commissioners, from imputations that had been advanced against him.

THE DUKE OF WELLINGTON said:*

My Lords, I am very happy to hear the explanation which has been given by the noble Viscount. I did not know the name of the assistant poor-law commissioner to whom reference has been made; but knowing pretty well all those who fill that office in Hampshire, I was perfectly certain that none of them were capable of making use of such expressions as those which have been quoted on the present occasion. This, however, is only another example of that which has frequently come under our notice in this House; I allude to the facility with which facts of this description are alleged in petitions against the Poor Law Commissioners and other parties, which, upon investigation, turn out to have little or no foundation in truth, and the evidence to which is as little confirmatory of the original statement as the circumstances which have been so satisfactorily explained by the noble Viscount prove to be in relation to the charge against Colonel A'Court. I really think it would be very desirable if the noble Earl would attend to the recommendation of my noble and learned friend behind me (Lord Wynford), who has urged him to bring in a Bill to alter this law, and see what he can do in the way of its amendment. I have been long enough in Parliament to recollect that, before the present law passed, there were not fewer than half a dozen attempts made, by some of the greatest men this country ever produced, to amend the system of poor-laws. Among others, one person for whom I know the noble Earl entertained the greatest respect—the

late Mr. Pitt—endeavored to amend these laws, but failed; and for a reason which, I believe, occasioned the failure of every attempt to alter them, until that which was successfully made within these five years, when the present Poor Law Amendment Act was passed, principally by the exertions of the noble and learned Lord (Lord Brougham) who was present at the commencement of this debate, but who has since left his place. The real truth of the matter was this, that in every parish in the country there existed some abuses, I will venture to say, a hundred times greater than any of those which the noble Earl has brought forward in any of those petitions with which he entertains your Lordships upon every vacant day that presents itself. In every parish, I repeat, there were abuses; and in each abuses founded upon a different principle from those existing in some neighboring parish; so that no law could be devised to remedy them, for the measure which would apply to parish A, instead of removing the abuses existing in parish B, would only have tended to aggravate and render them intolerable. At length an Administration, of which the noble Viscount was a member, took up the matter. There was a very general and searching inquiry into the whole state of the administration of the poor-laws, the result of which was that the present measure was arranged and produced to Parliament. It passed both Houses in a very short space of time, and, I believe, on the principle there was no division whatever, and hardly a difference of opinion, in this House; I believe there was none in the other House of Parliament, and very little difference of opinion was expressed upon any part of the details. With respect to the administration of the law, I have observed it in different parts of the country, and I must say that its administration has been entirely satisfactory, and most particularly to those parties who are likely to become its more immediate objects. That part of the law of which the noble Earl and the noble Baron behind him complain most—namely, the existence of the Poor Law Commissioners—is, in my opinion, the most important part of it. The truth of the matter is, that the abuses in the administration of the poor-laws were so numerous, so various, and, at the same time, so inveterate, that it was absolutely impossible to get the better of them without the constitution of some central authority which should superintend the execution of the law, taking care that it was duly administered, and that those intrusted with its execution

in the country did not infringe upon its provisions. Such, I believe, was the object of the institution of those boards of guardians and commissioners. Every measure has been adopted to secure the publicity of the Reports, to enable Parliament to acquire a knowledge, at any time, of all their transactions in reference to any particular subject; and I must say that the part of the conduct of the noble Earl that astonishes me most is this,—that while he can, at any time, acquire the means of ascertaining the truth upon any given point which he takes up, instead of moving for the production of the papers and correspondence, and finding out precisely what the real facts are, he goes into detail of all the allegations in a petition, producing exaggerated statements on the subject, and is thus guilty of all the injustice of doing an injury to the reputations of those persons whom he traduces.

Earl STANHOPE insisted that, though he was not a 'public prosecutor,' he had a right to bring cases of oppression on the part of persons in authority under the notice of Parliament.

THE DUKE OF WELLINGTON said:

I did not call upon the noble Earl to assume the character of public prosecutor; but, if he think proper to accuse people, he should take care to do it in such a shape as to enable them to defend and justify themselves if they are not guilty. That would be but just on the part of the noble Earl; it is not just to come down to this House, night after night, and accuse gentlemen, without taking those steps which would enable them to justify themselves. When the noble Earl makes statements such as the House has this night heard, I think that those statements ought to be accompanied by a motion respecting some one particular case. The House ought to have the papers on both sides before them—the defence as well as the charge. Thus, and thus alone, can your Lordships be enabled to see who are right and who are wrong. That which I now desire to say upon the subject is, that the noble Earl gives a most exaggerated view of one side of the question; he gives the case strongly against individuals who are not present to defend themselves. He makes charges in the most exaggerated terms, and will not listen to any defence. He refuses to the parties accused those documents which are necessary for enabling them to make an effective defence.

June 25, 1839.

THE BALLOT.—UNIVERSAL SUFFRAGE.

Earl STANHOPE, in presenting petitions for the Ballot and for Universal Suffrage, made a lengthened attack upon the Whigs, the poor-laws, &c.

Lord BROUGHAM, Viscount MELBOURNE, and other Peers having spoken,

THE DUKE OF WELLINGTON said:

I agree with the noble Viscount opposite in much that has fallen from him with respect to the inexpediency of delivering lengthened harangues in this House on the presentation of petitions, and I cannot help lamenting that the noble Earl, my noble friend, should have taken this opportunity of delivering one of those long harangues. The petitioners state fairly enough the grievances of which they complain, and pray for the adoption of measures calculated to put an end to them. But I cannot help regretting that my noble friend should, on this occasion, have been tempted to dilate at so much length upon the supposed causes of those grievances, and their present and anticipated effects, without suggesting some measure, such as the repeal of the poor-law, or bringing forward some distinct proposition for the enactment of a new law, or the repeal of an old one. If he had made some such proposition and the House did not attend to him, then, indeed, might the noble Earl find some excuse for haranguing on the presentation of petitions; but it really is unworthy of the great mind of my noble friend to endeavor to excite such a spirit as his speeches are but too well calculated to call forth. I am happy, however, to find that my noble friend and I agree in some things,—that he disapproves of the arming of the people; and I hope that, if the disaffected spirit which is abroad goes further, I and the noble Earl shall be found on the same side—that we shall stand in the same ranks. I should wish to stand near the noble Earl. Of one thing there can be no doubt, that I shall be found on the side of order and the laws; and I hope that the noble Earl will be found near me. Let the noble Earl bring forward measures upon those several subjects, and let the House decide upon them at once. That would be the more fair and manly course, and one more likely to give satisfaction to the country, than the course which the noble Earl thinks fit to pursue night after night. With regard to the subject of these petitions which have been presented by the noble Earl, I must confess that I have heard, with great

satisfaction, the sentiments which the noble Viscount opposite has expressed. I fully concur with the noble Viscount in the propriety of opposing the further extension of the suffrage, and upon the very same ground, namely, that such extension would be inconsistent with the best interests of the country. I likewise concur in the sentiments which the noble Viscount has expressed upon the subject of the ballot—that obnoxious, and, I must say, un-English measure, and I deeply regret that the noble Viscount did think proper to make it what is called an open question. I had the misfortune to be in office when there were such questions; and I must say that I never could consider them as anything but a symptom of weakness on the part of those who were carrying on the service of their Sovereign—a symptom that they were not acting together; that they did not agree amongst themselves, and that there was a division also amongst their supporters. Instead of its being a matter of satisfaction that an important question like the ballot should be left an open question, I regard it as a circumstance most likely to prove disastrous to the Government, and eventually so to the country. Under these circumstances, although perfectly content with the opinions delivered upon the subject by the noble Viscount, I confess I did lament, and do still lament, most sincerely, that the question of the ballot should be considered an open question by the Government; and more particularly still do I regret that it should ever have been declared so.

---

* *July* 1, 1839.

GOVERNMENT OF JAMAICA—SECOND MEASURE.

The Marquis of NORMANBY moved the second reading of this Bill.

The Earl of HAREWOOD moved that the Bill be read a second time that day three months.

Lord BROUGHAM, in order that something might be done, supported the Bill.

THE DUKE OF WELLINGTON said:

I cannot allow this question to go to a vote without troubling your Lordships with a few words upon it. I understand that I have been subject to some animadversion at having opposed the Negro Emancipation Bill. I certainly did endeavor to prevail

upon your Lordships not to pass that Bill. In fact, I divided the House against it. But from the day that that measure was passed into a law to the present, I beg to observe that, Parliament having thought proper so to pass it, I have agreed to every other proceeding which has been proposed by the Government, in order to carry negro emancipation into execution. I have assented to all these measures, though, I confess, with great pain, always protesting against them, and considering them invasions of the constitution of Jamaica. But considering that the planters of that island had received compensation for emancipating their negroes, and that measures for carrying into execution that provision had been instituted, I was of opinion that your Lordships ought to pass the further Acts necessary for carrying the Emancipation Act into full execution. I therefore have agreed to all those measures, at the same time that I protested against them; and invariably called upon your Lordships to endeavor to settle the affairs of Jamaica with the concurrence of the House of Assembly and the authorities of the island, rather than to take the affair upon yourselves. But I have no recollection of the measure which has been the cause of the existing disagreement between the Governor and the House of Assembly of Jamaica. I certainly do attend very constantly to the proceedings of your Lordships' House, and to the measures which come under consideration; and more especially last year I gave great attention to the measures relating to the West Indies; but I have not the smallest recollection of the Prisons Bill. Probably, indeed, I was out of town at the time; if I had been in my place most likely I should not have opposed the Bill. But the measure was carried into execution, having passed Parliament; and it appears to me that it was communicated in a very extraordinary, a very unusual, and a not very decorous manner, to the House of Assembly of Jamaica. But however all that might be, I cannot think that the House of Assembly was justified in coming to the resolution that it would not perform its duty, and that it would suspend its functions. Under these circumstances I confess that, notwithstanding the speech of my noble friend behind me (the Earl of Harewood), I shall vote for the second reading of the Bill, though I certainly do so very unwillingly. I confess that what has occasioned me the greatest doubt on the subject has been the speech of the noble Marquis on moving the second reading of the Bill. I never heard a speech

from a Minister of the Crown, coming down to Parliament to expound the principles of a measure for imposing restrictions upon the constitutional rights of the population of a portion of the British empire, which was so little calculated to conciliate the hearers of it, and so little calculated to conciliate the public; and I repeat, therefore, most solemnly, that the greatest doubt which I feel as to the propriety of giving the Bill a second reading is created by some of the topics which entered into the speech of the noble Marquis. The noble Marquis, almost in so many words, declares his object to be the destruction of the Legislature of Jamaica; and he yet entertains an opinion that the most effectual way of protecting the negroes is the destruction of the House of Assembly. But it should be remembered that, if it had been possible to do so, those who brought forward emancipation would have brought it forward by means of the House of Assembly of Jamaica. They regretted they could not do this, though to the very last moment they were desirous of it. It is perfectly true that Parliament refused last year to put an end to slavery on the 1st of August, 1838. That part of the measure was, however, enacted by the House of Assembly of Jamaica, because Parliament had positively refused to adopt it; and yet the noble Marquis comes down and tells your Lordships—notwithstanding that, as he believes, the very last act of the Jamaica Legislature was to pass this enactment for emancipating all negroes in the island on the 1st of August, 1838—that the Jamaica House of Assembly cannot be trusted to carry into execution the new regulations which become requisite under the new relations of society established in that island, and that the functions of the House ought to be put an end to. Still the very last measure which they passed was the law emancipating their negroes two years sooner than the period settled by Parliament. I say, therefore, that, under these circumstances, showing as they do the injustice of the noble Marquis's remarks and opinions in opposition to this House of Assembly, I do doubt about the propriety of agreeing to the second reading of this measure. I am one of those who always considered—and I am sure the Ministers of the day so stated—that it was their duty and their intention to do all they could to preserve and protect property in that island, to protect the civilisation of society, and to encourage it by every means in their power. Now, I should like to know how property is to be protected? how civili-

sation is to be established? If you begin by destroying the House of Assembly, and establishing there a despotism in the person of the Governor of the colony, acting with his Council, I believe that there will be no safety for liberty, no safety for persons, in the state of society which will then exist in Jamaica. I believe that neither liberty nor property will be secure, unless the House of Assembly and its authority be maintained. I know this, that, when I first heard of these intentions of putting down the House of Assembly—according to reports which have been confirmed by the speech of the noble Marquis this evening—it was my firm opinion that there existed a desire to withdraw every white from the island. If that be not the wish of Her Majesty's Government, then I will say that those who propose such measures as these are not in a state of sanity. Property cannot exist either there or elsewhere without drawing to it a certain degree of power; and if you destroy the House of Assembly you must withdraw the whites—that your Lordships may rely upon. I certainly am anxious to vote for the second reading of this Bill: I wish it to go into committee that it may receive such amendments as may be necessary to render it palatable to the House of Assembly, and at the same time to insure the execution of those measures which are required for carrying on the government of the colony. I confess that, when I hear of the misbehaviour of the House of Assembly, and their neglect of all their duties, I cannot avoid reminding those who speak in this tone that the House of Assembly has been in a state of prorogation from February to the present time. The noble Marquis opposite now comes down to ask your Lordships to visit with vengeance the House of Assembly by authority of the Legislature of this country, but never even hints any intention on the part of Ministers to instruct the Governor, who is now about to go out, to call the Assembly together. Now, I think it is the duty of those who are in possession of authority to endeavor to conciliate those who may feel offended—to give them a chance, at least, of continuing in their functions by treating them with civility and kindness. The noble Marquis has done no such thing; on the contrary, his whole speech was made up of violent threats against the House of Assembly, uttered for no other reason, that I could divine, except that the House of Assembly has disapproved of an Act of Parliament passed in usurpation of their own authority, and communicated to them in a way in which I do not

think any private gentleman would like to have an order from a superior delivered to him. I advise your Lordships to vote for the second reading of this Bill. I am sorry my noble friend has moved that it be read a second time this day three months. I advise your Lordships to go into committee, that you may consider the various clauses of the measure, and make such amendments as may appear proper, with the view of sending it down to the other House in such a shape as that it may be sent out to the island of Jamaica with some hope and prospect of being effectual.

Lord GLENELG, Lord ST. VINCENT, Viscount MELBOURNE, and Lord ELLENBOROUGH having spoken,

THE DUKE OF WELLINGTON said:

One word by way of explanation. I have to apologise to your Lordships for not having attended to the Prisons Bill at the time it was under your consideration last year. Perhaps, if I had attended to it, I should have voted for it, as I did for other Bills which I considered to be necessary to carry into execution the Negro Emancipation Act, against which, be it recollected, I voted originally. When, however, that measure became an Act of the Legislature, I voted in favor of all measures necessary to give it effect. I have no recollection of the Prisons Bill being mentioned at all in Parliament; but if I had been in the House at the time I should probably have voted in favor of it on the grounds I have already stated.

July 5, 1839.

EDUCATION.

The Archbishop of CANTERBURY moved a series of resolutions against the Government plan of education, and the appointment of a Committee of the Privy Council to carry out that plan.

The Marquis of LANSDOWNE moved the previous question.

The Bishop of EXETER, the Bishop of DURHAM, Earl FITZWILLIAM, the Bishop of NORWICH, the Bishop of LONDON, and Lord BROUGHAM, having spoken,

THE DUKE OF WELLINGTON said:

I confess I am astonished at the admiration which has been expressed by the noble and learned Lord, of the speeches which have been made by the Most Reverend and Right Reverend Prelates,—the greater part of his own speech being directed, at the

same time, to do away with their effect, by the exercise of those powers of ridicule with which he is so liberally endowed. Indeed, it was not till within the last few moments of his speech, that the noble and learned Lord at all referred to the particular matter under discussion. Before I sit down I think I shall succeed in showing, to the conviction of your Lordships, that these Orders in Council do the very things which you, in this House, have a right to require shall be done by Act of Parliament. The noble and learned Lord, and the Right Reverend Prelate on the second bench on the opposite side of the House, would make it appear to your Lordships that your Orders in Council do no more than has been done before by minutes of the Treasury; that the system now under discussion has been in operation, already, for years. The fact is very much otherwise. Under the Treasury Minutes, there is nothing further than a grant of money, very much in the way of charity, to those who, in certain circumstances, have subscribed a fixed amount, and who are to have the management of the funds; but certain conditions are required by the Board of the Privy Council—and it is essentially necessary that this House should entreat the Crown not to carry these measures into execution, without knowing precisely what they are, and having the sanction of Parliament to them. I shall vote for this Address to Her Majesty, in order that Parliament and the country may clearly know what those measures are which the Government intend to propose for the education of the people. The noble Marquis thought proper, in the course of his speech, to put certain questions to the Right Reverend Bench, which were afterwards answered by a Right Reverend Prelate; but, begging the noble Marquis's pardon, it should have been the business of the Government to state what their intentions were on this subject,—what share they proposed giving the Church in this system of education, which is not to be superintended immediately by the clergy,—and not to require the Most Reverend Prelate to declare what were the pretensions of the Church on this matter. It has been stated that the regulations proposed by Order in Council are really nothing at all; but it appears to me that something has been put forward not at all unlike the Irish system of education,—a system which, I believe, has entirely failed in Ireland, and which, I am sure, would not answer in this country. The Minute authorises the use of the Douay version, the Unitarian and the

Anabaptist versions of the Scriptures. The people of this country have a right to know, distinctly, from authority, whether a tax is to be laid on them for the purpose of educating them in Popery and Unitarianism? Nor will the system be harmless with respect to the established Church, for the clergy are excluded from all control in the matter. It will, also, I contend, very much impede the flow of private benevolence, for it will subject every school which receives any grant to the inspection of an officer appointed for that purpose. Then, I say, your Lordships have a right to call upon Her Majesty's Ministers to stir themselves on this subject; and also to entreat of Her Majesty not to allow such a system to be carried into execution in the country, without allowing Parliament the opportunity of fully discussing it. Even at this late hour I feel it to be my duty to call your Lordships' attention to what is, in my opinion, the real question to determine; and I contend that the House will be only doing their duty to the country, by acceding to the resolutions of the Most Reverend Prelate. I think that the noble and learned Lord will admit, that not only would the clergy have good reason to complain of it, but those who founded schools of private benevolence would have reason to complain also.

July 16, 1839.

RIOTS AT BIRMINGHAM.

The Earl of WARWICK called the attention of the House to the recent riots at Birmingham, and demanded that Government should take energetic measures to prevent their recurrence.

Viscount MELBOURNE said that Government had done all in its power to check the violent proceedings described.

THE DUKE OF WELLINGTON said:

It appears, from the statement of the noble Earl near me, and from the remarks of the noble Viscount opposite, that there is no deficiency, either of police or military force, or of any other description of force, in the town of Birmingham; but it does appear that there is a deficiency of authority,—a deficiency in the discharge of their duty, on the part of the magistrates, to preserve the peace; and who, I should like to know, are responsible for those magistrates? Here is a corporation formed contrary to the engagements which were entered into last year, that no corpora-

tion should be formed in Birmingham except with the advice and consent of Parliament. But, not only has this corporation been so formed, but magistrates have been appointed; and by whom? Not in the usual way—not by the noble and learned Lord on the Woolsack—but on the recommendation of the Secretary of State for the Home Department; a course of proceeding, which, in my opinion, is contrary to the principles of the law and of the Constitution; and, if I am not greatly mistaken, contrary, also, to the intentions of Parliament, which, when it passed the Corporations Act, required that the magistrates should be appointed in the usual manner by the Crown, and not on the recommendations of any party or any body of men residing in the town. What has been the consequence of the course of proceeding which has been adopted? After a disgraceful riot has existed for more than a week—I believe for more than ten days—this large town—one of the greatest manufacturing towns in the kingdom, holding property to an immense amount, and containing a population of most respectable inhabitants—has been treated as a town taken by storm. Taken by storm, did I say? I have, while with the armies of my country, seen many towns taken by storm; but I never saw, never heard of, such outrages as were committed last night under the eyes of these magistrates, appointed—not by the proper authority, not by the Crown, not by the noble and learned Lord on the Woolsack, but—by the Secretary of State for the Home Department. Property was taken, in their presence, from the houses of the inhabitants, carried into the street, and consumed by fire, notwithstanding the presence of the police and the troops. Such proceedings ought not to have been allowed to go on without an effort having been made to prevent them. The destructive outrages that have been committed cannot fail to strike the mind of every person who has a feeling for the honor and interest of the country.

Viscount MELBOURNE accused the noble Duke of exaggerating the case.

THE DUKE OF WELLINGTON said:

I am rather surprised that the noble Viscount, considering the situation he stands in, should tell your Lordships that he really knows little or nothing about these riots at Birmingham; that he cannot say whether they were owing to the absence of the magistrates or of the troops; or whether or not they were

like something which occurred at Nottingham some time ago. The noble Viscount says that he really knows nothing about the matter, and only judges of it, like the rest of the public, from what he has seen in the papers. This is not the way in which the business of the country should be conducted. I said that outrages had been committed at Birmingham, such as I had never seen in a town taken by storm. What, then, is it that has happened at Birmingham? It is not, merely, that two houses have been burnt; but others have been plundered—and not merely plundered, but gutted. Perhaps the noble Viscount does not know what 'gutted' means? The whole of the property was taken out of those houses, placed in the streets, and there set fire to. This, my Lords, is an outrage such as never happened, to my knowledge, in any siege that I have been present at. It is scandalous and horrible to think that such scenes should occur in a town like Birmingham, and that there should be signs of similar dangers in the North of England, while the Government take no notice of them, and adopt no measure to preserve the public peace.

Earl FITZWILLIAM, the Marquis of LONDONDERRY, Lord WHARNCLIFFE, and the Marquis of LANSDOWNE, addressed the House.

THE DUKE OF WELLINGTON said:

What I stated, in answer to what the noble Viscount opposite said to the question of my noble friend, was, that it was publicly known before twelve o'clock that disturbances had taken place at Birmingham; and yet, when I appealed to the noble Viscount, he knew nothing at all of the matter. I certainly concluded that the Government had plenty of information on the subject, because soldiers and police had been sent down to Birmingham; and the noble Viscount and the noble Marquis did not, in the first instance, get up to correct me in that opinion; but, as the noble Marquis has now done so, I receive his correction, and feel obliged to him for it. There, undoubtedly, has been a very gross outrage committed in the town of Birmingham—houses have been gutted and perfectly destroyed. It is very likely that the noble Marquis has other authority, but I have only the authority of the newspapers, from which it appears that houses have been gutted, the furniture brought into the streets, and there burnt. And I will say, again, that that town—that peaceable town—that rich manufacturing town—has been worse treated than any town was

ever treated when taken by storm. I say this from my own knowledge; and I challenge the noble Marquis's correction for venturing to give that opinion to your Lordships. I will now venture to draw another conclusion; and I hope this, at least, will be admitted to be correct. There were in the town the mayor, the superintendents of police, and some troops—at least, so I learn from the newspapers, for Her Majesty's Ministers know nothing at all about the matter—and, notwithstanding the correction of the noble Marquis, I will venture to draw this conclusion, that the magistrates, who did not let the troops interfere until after some houses in the town had been burnt and property destroyed, were highly culpable. The noble Earl opposite (Earl Fitzwilliam) has told your Lordships that a similar misfortune has befallen Birmingham before; but if that town be liable to these misfortunes, I should say that that is another reason why Her Majesty's Ministers should, on the first information they received of what occurred ten days ago, have taken the hint, and been careful that the magistracy of the town did all they could to preserve peace. I will go a little further: I will say, that even the information contained in the newspapers might have drawn the attention of the Government to the subject. I have heard something of special commissions, and other means of marking the sense of the Government in riots of this description. There might be an inquiry into the conduct of the magistrates—the noble Marquis knows nothing of that; but something should be done to mark the sense of Government in relation to this matter. Yet it appears that I am all abroad—that no one has any right to notice these things. I might say to your Lordships, 'Take care what your Lordships do on this subject, or you will certainly fall under the lash of the noble Marquis. I earnestly entreat you to take care what you do. Let towns be burnt, property destroyed, but don't apply to the Ministers; they know nothing of such matters; and the noble Marquis will attack you for being so unjust as to say that such things have been done.' I acknowledge the justness of the noble Marquis's correction; but all I hope is, that I may not have another occasion for making such an acknowledgment.

July 18, 1839.

RIOTS AT BIRMINGHAM—MESSRS. LOVETT AND COLLINS.

Lord BROUGHAM brought forward the case of Messrs. Lovett and Collins, unjustifiably arrested and imprisoned at Birmingham, on a charge of libel, in connexion with the recent riots in that town.

Viscount MELBOURNE intimated that an inquiry would be instituted into the circumstances, but pointed out the necessity of supporting magistrates in the performance of their duty.

THE DUKE OF WELLINGTON said:

I am not at all surprised at the opinion which my noble friend has expressed to your Lordships; and that he should have felt a little anxious respecting what has been stated, from authority, in reference to his not having been present in the county of Warwick on the occasion of these disturbances. And I must say that, however full the noble Viscount has been in his explanation of the conduct of the mayor of Birmingham—however he may have, with great reason, deprecated any blame to be thrown, on the part of your Lordships, on the conduct of the mayor and magistrates of Birmingham upon this occasion—the noble Viscount has been so much taken up with that part of the subject, and with the justification of the mayor and magistrates for having seized the exact opportune moment for interference—as neither having been one moment too soon nor one moment too late—and with giving them credit for that course of conduct, that he has really totally forgotten to do justice to my noble friend behind me on the subject of the complaint made by him, as to observations which have been made respecting what he had to do in these disturbances, and whether or not proper measures had been adopted by Her Majesty's Government. Now, I must say, in justice to my noble friend, that, although he is Lord-Lieutenant of the county of Warwick, he had really, in consequence of the measures adopted by the noble Lord opposite, no more to do in these disturbances in the town of Birmingham than I have at this moment. Her Majesty's Ministers have thought proper to grant Birmingham a charter of incorporation, notwithstanding all that was said in this House during the last Session of Parliament, when certain noble friends of mine urged that a charter should not be granted to

Birmingham till a full and fair inquiry respecting the application for the grant had taken place, which I understand to mean an inquiry by the Privy Council. Inquiry, indeed, has been made; sufficient to satisfy the noble Lords opposite, but whether it will satisfy anybody else I do not know. So Birmingham comes to be a corporate town, and, as such, the appointment of magistrates rests with Her Majesty, according to Act of Parliament; and they would have been appointed by Her Majesty, or by the noble and learned Lord on the Woolsack, on whose discretion everybody will rely as to the choice of fit and proper persons to be appointed magistrates. But it appears, unfortunately, that a noble Lord opposite did, when this Act of Parliament was passed, declare, in his place in another House of Parliament, when this clause of the Act was agreed to (on the rejection of another clause which was proposed, that the town council should elect persons to be recommended to Her Majesty to be appointed magistrates)—that noble Lord did declare, that, as long as Her Majesty's existing servants were in office, he considered it to be his duty to consult the town council as to the appointment of persons to be magistrates of all those corporations. The town council were to proceed to an election, and he would recommend the Lord Chancellor to appoint the person so elected. Thus, then, the Queen, Lords, and Commons decided that the town-council should not elect magistrates—that is, that Her Majesty should appoint; and Her Majesty, of course, must appoint the magistrates under the old constitution of England. The interference of no person is required in these appointments, except of the individual who holds the Great Seal. This is so by the Act of Henry VIII.; but, notwithstanding this, the House of Commons determined it should be otherwise; they decided that the town council should elect and recommend persons as magistrates of these corporations. The bench of justices in question was appointed by the Secretary of State; and my noble friend had no more to do with their appointment than I had. Now, I am not at all astonished that the noble Viscount should be so exceedingly anxious that your Lordships should not at once pronounce an opinion against those magistrates on these proceedings, because the noble Viscount says their conduct must be inquired into; and, in fact, the noble Lords opposite are themselves responsible for their appointments, and for the conduct of those persons who have been appointed at their

recommendation—in my opinion, contrary to the positive enactments of an Act of Parliament passed but a few years ago.

This subject must come under inquiry; and, therefore, the less that is said about the matter, previous to that inquiry, the better. But when this matter was discussed on a former occasion, the noble Viscount taunted me because I stated my opinion, and said there were police and troops enough, and that the blame rested on the magistrates; and he did not at all scruple to intimate that it might attach to the troops or the police; and he at once referred to the case of the yeomanry at Nottingham some years ago, but who, it appears, obeyed the law, and did not act until they were ordered to do so by the magistrates. There was no scruple on the part of the noble Viscount to hint that it might be the troops who were in the wrong. My information is only derived from the newspapers; and it may have been that the troops and police did not act properly; but it appears, now, that the mayor has given an account of these transactions, and he says that there was no reason to apprehend that there would have been any further riot on Monday. Now, my Lords, I have understood, and have heard, that a person went through the town in the middle of the day ringing a bell, guarded by twelve men armed with bludgeons, and gave notice, in front of this very Public Office, to persons to assemble on that very afternoon. It is most painful to think upon such subjects as these, and to pass blame on any persons; but I cannot help calling your Lordships' attention to those party appointments of magistrates which have been made, not only at Birmingham, but in every part of the country: and I must beg leave to mention one circumstance to your Lordships in respect to those same appointments of magistrates and bench of justices at Birmingham; and that is, that the clerk of the peace of this very same bench of justices is the person who defended, before the bench, that very night, one of the persons who was apprehended in these very disturbances. I contend that the noble Lords opposite are responsible for the appointment of these magistrates, and for the breach of the Act of Parliament. I will not now say any more upon this subject, except that I hope that a full and fair inquiry will take place at no distant period, and that the House will be made acquainted with the result.

The Earl of WARWICK, Lord LYNDHURST, and the Marquis of LANSDOWNE, having spoken,

THE DUKE OF WELLINGTON said:

I beg leave to offer an explanation. I know nothing about what the noble Lord (Lord John Russell) has done at Birmingham; I conclude that he has done what he said he would do. This is what he (Lord John Russell) said:—'I have no hesitation in saying'—(and, mind! a clause to this effect has passed both Houses of Parliament)—'that the Crown, and not the town council, should nominate the magistrates.' Afterwards, this was what the noble Lord said:—'I have no hesitation in saying, that, so long as my colleagues and myself continue to be the advisers of the Crown, we shall conceive it to be our duty to hold that the most natural and satisfactory mode of appointing these justices will be, to request that the town councils will send us a list of the names of the persons in whom they think confidence ought to be placed.' Now, there is the mode of nomination of the noble Lord, if he has acted up to it. The Act of Parliament decided one thing, and the noble Lord has decided another. I conclude that the noble Lord acted accordingly. In another part of the case the noble Marquis tells me that I am under a mistake; that the provisions of an Act of Parliament require that the magistrates nominating special constables should report them to the Lord-Lieutenant of the county.

The Marquis of LANSDOWNE: That Act is not repealed by the charter of the corporation, but is remaining in force.

THE DUKE OF WELLINGTON:

What was the law before, is the law now. What I stated was, that, the corporation having appointed magistrates of its own, and having, as I believe, a quarter sessions, the magistrates of the county of Warwick have nothing at all to say to the transactions of the corporation of Birmingham. I conclude that this is the law; the noble and learned Lord opposite (the Lord Chancellor) will be able to state if it be not so. My noble friend (the Earl of Warwick) was not called on in any way whatever to go to Birmingham; in short, he had nothing to do with it. Her Majesty's Ministers alone are responsible for the conduct of the magistrates; they are the persons who have to do with them, and who must decide on their acts.

The Earl of RIPON having addressed the House,

THE DUKE OF WELLINGTON said:

I wish to be allowed to say, with regard to the position in which the Lord-Lieutenant stands in relation to the town of Birmingham, that, in consequence of the Corporations Act, and the corporation having appointed quarter sessions, he has no direct authority to be there, and it was better that he should not. The noble Viscount has taken the first opportunity of throwing out an insinuation against my noble friend, as if it had been his business to go down to Birmingham, and as if it were not the duty of the Government to express their wish that he should go down, had the case been such that his services were required. If the noble Viscount will give me leave to say so, without getting into one of those towering passions in which he sometimes indulges without cause, or if he will only pause before he uses more warmth than courtesy in accusing us either of folly or of mischief,—if the noble Lord will allow me, without incurring his ire, to take such a course,—I would remind him that a short time ago, when he first addressed the House, he was a little anxious to avoid aspersions on his own character and conduct, and the character and conduct of the Government, and he ought to be a little cautious, therefore, not to throw out rash aspersions and insinuations against others—I mean as against my noble friend. My noble friend was ready to do his duty on this occasion, as he always has been on all others; but, really, considering the state into which the magistrates of the town of Birmingham have been brought by the interference of Her Majesty's Government, I do think that my noble friend's being ready to go there at all times is his ample justification.

July 22, 1839.

RIOTS AT BIRMINGHAM.

THE DUKE OF WELLINGTON:

Seeing the noble Viscount (Viscount Melbourne) in his place, I beg to ask him whether or not, when he stated to the House on Thursday last that the conduct of the magistrates of Birmingham, in reference to the riots that have taken place there, was to be inquired into, he was in possession of any information

respecting a letter from Mr. Hebbert, who had written to the Secretary of State for the Home Department, on behalf of certain inhabitants of Birmingham?

Viscount MELBOURNE: No! I had received no information.

THE DUKE OF WELLINGTON:

You were not aware of it?

Viscount MELBOURNE: No.

THE DUKE OF WELLINGTON:

Then, perhaps, it will be necessary for me to call the attention of your Lordships again to the subject, in consequence of the manner in which I have been misrepresented in another place, and out of doors, in reference to what I stated to the House last week. I have been accused of exaggeration. That may be a Parliamentary phrase; I will not presume to decide that it is an unparliamentary term; but I believe that it is a term not much used among gentlemen: it has been employed, however, in a privileged place that must be nameless—and I shall advert to it no further than to notice the conclusions which may be drawn from the use of such a term in reference to what I did say. I trust your Lordships will excuse me for troubling you for a few moments upon this subject, because I really think I have been most unjustifiably made the subject of a personal attack for what I stated in this your Lordships' House with respect to the late riots at Birmingham. What I stated, my Lords, was founded on the same species of information which, it appears, was in the possession of Her Majesty's Government; for neither the noble Viscount, nor any other of the noble Lords opposite, knew any more of the subject than I did: they knew nothing beyond what they had seen in the newspapers; and I stated at the time, that I knew nothing beyond that myself with regard to the facts. But I compared the transactions at Birmingham with certain other transactions—of which, certainly, I have more knowledge than most other noble Lords in this House—matters upon which I had a certain and positive knowledge; and I said (and I firmly believe that it was correct, and that, in making the comparison, I did not in the least degree depart from the truth) that the peaceable inhabitants of the town of Birmingham were worse treated, upon that occasion, than the inhabitants of any town I had ever known or seen taken by assault.

This is what I asserted; and it is the fact, according to my opinion. I will tell your Lordships why it is the fact. In the first place, the town was plundered, the houses were plundered; secondly, four houses were stripped, and set on fire; and, thirdly, the houses were gutted. This is a term which, perhaps, many of your Lordships do not understand; but I explained what I meant by it on the first occasion I used it;—the furniture was taken out of the house by the mob, and placed in the middle of the street, and there destroyed by fire; and then the burning embers were carried into the houses, or thrust under doors, in order to complete the work of destruction. These are the facts upon which I grounded the comparison I made; and I will now state and affirm again, that I have never known a town taken by storm (and I have seen a town taken by storm) so treated as the accounts from Birmingham allege that that town has been treated. So much, then, for my exaggeration. Exaggeration? Yes, this is the term which has been applied to my statement. I am the person charged with exaggeration for having made that comparison. I cannot help thinking that it is most extraordinary that, in the year 1839, after nine years of liberal government, after nine years' enjoyment of the blessings of liberal government, your Lordships should be discussing whether or not the amount of destruction completed within a peaceful town in Her Majesty's dominions is equal to the mischief done to a town which is taken by storm. And yet this has been clearly demonstrated to be the case. It is clear, my Lords, that, in peaceful, happy England, which carried on a war for twenty-two years, and which made the most extraordinary efforts to maintain that war, as she did, with circumstances of glory and success attending her arms in all parts of the world, in order to avoid, as it was hoped, these miseries, and so that no such disasters as these might ever approach her shores; in this same happy and peaceful England, after nine years of liberal government, here is a town plundered, and its peace destroyed; and yet I am accused of exaggeration, because I say I never knew any town taken by storm to be so ill-used as this fine town has been. I confess I am not at all surprised, however, at the conduct of the noble Lord who so liberally applied the term 'exaggeration' to what I said, when I reflect who are the followers and supporters of that noble Lord.

But I am now about to call the attention of your Lordships to

certain documents connected with this subject. I beg your Lordships to recollect that the town of Birmingham, in the course of last year, had a charter granted to it by the noble Viscount's Government. After the grant of the charter, the noble Viscount thought proper to go a little further, and made a grant to the corporation of what is called a quarter sessions and a bench of justices. Now, this grant was made in January last, and I request your Lordships to recollect the date. It is well known that, at that very time, the people called 'Chartists' were moving through the country. Arms were purchased by them, pikes and all sorts of dangerous weapons were in the course of being manufactured; and there was a good deal of terror and alarm pervading the country with respect to these bodies of Chartists. The Government at that time exhibited some intention of going the extent, as I have already stated, of granting Birmingham a court of quarter sessions. At that period a large number of gentlemen residing at Birmingham presented a Memorial or Address to Her Majesty, in which, among other things, it was stated that the Government had been pleased, under the authority of an Act of Parliament passed in the sixth year of the reign of His late Majesty King William IV., to grant a charter of incorporation to that town; that, in pursuance of the provision of the said charter, an election of town councillors for the different wards had recently taken place, in the course of which much asperity and party feeling had been manifested; that the election had terminated in the return of persons of extreme political opinions, to the exclusion of all persons of moderate principle; that the memorialists were informed that it was further intended to form a quarter sessions in Birmingham, and to do away with the jurisdiction of the county magistrates within the borough. The memorialists represented that the administration of justice had hitherto been intrusted to justices of the peace for the county of Warwick, of whom there were eighteen gentlemen of all political opinions, all residing within the distance required by the Municipal Act, and who had been selected from men of the best reputation—being, in short, persons who were most worthy of the confidence of the inhabitants. These gentlemen had been found most amply sufficient for the proper administration of justice. The petitioners most humbly represented, moreover, that it was most important to keep the administration of justice free from every imputation of

party bias, particularly in a town large and populous like Birmingham, where manifestations of public feeling had frequently been carried to a lamentable extent. They therefore prayed that the royal prerogative might be exercised in the appointment of justices of the peace for the borough from among those only who, at that time, discharged the duties of justices of the peace for the county of Warwick. This Memorial was presented immediately after the grant of the charter, and the noble Viscount had these statements before him. Still the Government thought proper to advise the appointment of a great number of magistrates, three or four of whom, only, had been magistrates before—the majority having been selected or recommended by the town council. My Lords, I will refrain from animadverting on the recent conduct of the Birmingham magistrates; I speak only of the conduct of the noble Viscount. I enter not into the question now whether the magistrates have acted rightly or wrongly on the occasion alluded to; but it will appear that the magistrates were appointed contrary to a clause in the Act of Parliament. The recent disastrous affair happened on the 15th; and on the 16th Mr. Hebbert, a gentleman of Birmingham, forwarded a memorial from the inhabitants in the following terms:—

'*To the Right Hon. Lord John Russell, Secretary of State for the Home Department.*

'We, the undersigned inhabitants of the borough of Birmingham, and chiefly resident or having property in High-street and the Bull-ring, in the said borough, beg to represent to your Lordship, that, from about half-past eight to a quarter to ten o'clock last night, Monday, the 15th of July, the property and lives of your memorialists were left, unprotected, to the violence of an organised mob, although full and authenticated information had been early given to the mayor and magistrates of the borough, of the intentions and plans of the rioters. Your memorialists, therefore, feeling that the mayor and magistrates have been guilty of a gross dereliction of their duty, request your Lordship forthwith to institute such proceedings as are necessary for bringing them to trial for their misconduct; and that you will, in the mean time, suspend them from any further control or interference in protecting the lives of your memorialists and their fellow-townsmen, and in preserving the peace of the borough.'

On the 17th, the following letter was written in reply to the memorialists:—

'Whitehall, July 17, 1839.

'Sir,—I am directed by Lord John Russell to acknowledge the receipt of your letter of the 16th instant, transmitting a memorial from certain inhabitants of Birmingham, complaining that "their lives and property were left, unprotected, to the violence of an organised mob, although full and authentic

information had been early given to the mayor and magistrates of the borough of the intentions and plans of the rioters," and to request the memorialists will transmit to his Lordship any evidence or proof in their power to show that previous information was given to the magistrates of the intentions of the rioters.

'I am, Sir, your obedient servant,

'S. M. PHILLIPS.

'J. B. Hebbert, Esq., Temple Street, Birmingham.'

The noble Viscount has said that he had no knowledge of these matters. From these letters it is obvious that the intention on the part of the Government to inquire into these unfortunate affairs was dependent on the answer which they might receive from the memorialists, in reply to the letter which was written under the direction of the Home Secretary, with respect to the knowledge they had obtained that the magistrates had full notice of the intention of the rioters. I will now draw your Lordships' attention to the answer of the memorialists, because that answer shows what sort of confidence in the Government exists in the place where these unfortunate occurrences have taken place. In answer to the letter from the Home Office, these gentlemen, the memorialists of Birmingham, write as follows:—The letter is dated—

'Temple Street, Birmingham, July 18, 1839.

'My Lord,—I have the honor, on behalf of the gentlemen who signed the memorial which I had the honor of transmitting to your Lordship last Tuesday night, to acknowledge the receipt of a letter from your secretary, dated the 17th instant, and to express their gratification at finding, from the report of the proceedings in the House of Commons last night, that your Lordship is of opinion that the single acknowledged fact of the property of the inhabitants of the town having been left unprotected for upwards of an hour and a half on Monday night, is, of itself, sufficient to make an inquiry into the conduct of the magistrates absolutely necessary. When the inquiry takes place the memorialists will be prepared to adduce the fullest evidence in support of their own charges against the town authorities; but they cannot but remember that, when, on a former occasion, other of their fellow-townsmen thought fit to represent to your Lordship the disgraceful conduct of the civil and military authorities, your Lordship submitted those representations to the parties accused, and received from them personal explanations, with which your Lordship professed to be satisfied, without communicating to the complainants the answers which you so received. The only result of what was then supposed to be a discharge of public duty was a censure from your Lordship; and, in one instance at least, a challenge to fight a duel from one of the persons whose conduct had been impugned, sent to a most respectable inhabitant of the town, who joined in that representation. Under these circumstances, therefore, your Lordship will not be surprised if the memorialists respectfully decline to make any private communication to the Home Office, at the same time that they reiterate their readiness to adduce the

fullest proofs of the truth and justice of their charge before any legally constituted tribunal,—and when they can do so with safety to themselves, and the confidence that it will not be done in vain.

'I have the honor to be, my Lord, your Lordship's most obedient servant,

'JOHN B. HEBBERT.

'To the Right Hon. Lord John Russell.'

Now, upon the course which is here alluded to, I shall make no observation; as it appears that, in the present case, we are to have an inquiry—at which time the whole matter will be brought under consideration. But, my Lords, I must say, that certainly the paper I have just read shows that, even though this letter of the 17th had been written, no one in Birmingham felt assured that inquiry would be made. And what was this reason of this want of assurance? Why, the conduct of the Government on a former occasion, to which allusion is made in Mr. Hebbert's letter. I will not advert to what is said in that letter as to this extraordinary mode of conducting business; but I must say that these proceedings—that the calling for the evidence which gentlemen might collect for the purpose of substantiating a charge against the magistrates for neglect of duty, and then turning round upon them when it was communicated, and, instead of proceeding in the Court of Queen's Bench, or before the assizes at Warwick, against the persons complained of, for having been guilty of corrupt and improper conduct and neglect of duty, communicating the information received by the Government to the very parties accused—these things did give to one party a most unfair advantage, and tend to excite private revenge and other evil consequences. My Lords, these remarks, again, may be called 'exaggerated,'—I may again be charged with exaggeration; but here are the papers which prove that the same course of which I now complain has been pursued by the Government on a former occasion. And what must be the consequence of their communicating to the accused the information furnished to the Government by the accusers? In point of fact it must be, that a magistrate who may misconduct himself will be exempt from punishment, unless the Government consent to become a party to the prosecution; for, if the course complained of by the gentlemen of Birmingham were followed on other occasions, no private individual would ever come forward to complain of the conduct of any public authority, however grossly unjust that conduct might be. Now, my Lords, I apprehend that, according to the law of England, any individual is

at liberty to complain of the conduct of a magistrate, and to proceed against him in a court of law. No one has ever doubted that, in this country, every individual has a right so to complain of, and to proceed against, the magistrates, when the magistrates misconduct themselves. It is in accordance only with the *Code Napoléon*—with the code of laws of that high priest of liberalism, the Emperor Napoleon—that the consent of the Council of State should be given before a justice misconducting himself can be tried and punished. Hitherto, in this happy country, the practice and the law have been different on that head; and I hope we shall hear no more of such proceedings. But follow out the system laid down in the letter from the Home Office, and the result will be, that no man, particularly if he have to complain of the conduct of a magistrate, will, without the consent of the Home Secretary, go into a court of justice to obtain redress. My Lords, to such a course I trust I shall see some check put, before it is further established by precedent. I shall refrain from any further observations upon this matter at present; and I will now ask the noble Viscount whether there is any objection to the production of the documents I have read?—as I conceive it to be necessary that these papers should be laid before your Lordships.

Viscount MELBOURNE said that the remarks in question had implied no imputation upon the veracity of the noble Duke.

THE DUKE OF WELLINGTON added:

The acquittal of the Bristol magistrates showed that they had done their duty; and that case is not, therefore, as yet, in point. That which I complain of is, that the Birmingham magistrates were not appointed according to law, but on the nomination of the Home Secretary. The Home Secretary is responsible for the conduct of these magistrates; and the ground of my complaint is, that they were appointed in an unconstitutional manner. I did not know that the riots alluded to by the Birmingham memorialists occurred at a general election; and I only quoted the memorial to show the feeling entertained in Birmingham with respect to Her Majesty's Ministers. Government have, on one occasion, communicated the information received from persons complaining that the magistrates had not done their duty to the parties informed against; and it matters nothing what the occasion was. The result is the same, whatever was the occasion. The

memorialists conclude that the Secretary of State—judging from their past experience—is unwilling to prosecute when a complaint is made; and they have not confidence that the information they might furnish would not be communicated to the parties accused.

MUNICIPAL CORPORATIONS, IRELAND.

Lord BROUGHAM having addressed the House on the subject,

Viscount MELBOURNE moved the second reading of this Bill.

The Earl of RODEN, Lord STUART DE DECIES, and Lord LURGAN, having spoken,

THE DUKE OF WELLINGTON said:

My Lords, it appears to me that the noble Lord who has just spoken with so much ability, and who has so recently taken his seat among your Lordships, has not yet acquired a knowledge of the history of this measure; and, also, that the noble Lord has entirely misunderstood the speech of my noble friend (the Earl of Roden). My noble friend does not defend the Irish corporations; he does not desire the continuance of these corporations on their present footing; nay, on the very ground stated by my noble friend, it has been admitted that the existence of those corporations ought to be abolished, namely, on the ground of the exclusive plan on which they have been governed. This will be admitted generally by your Lordships. In fact, a measure was proposed by my noble and learned friend (Lord Lyndhurst), of which the object was to put an end to all the corporations of Ireland, and to govern the country according to the principles of the common law of the United Kingdom. That measure was not approved of by the other House; but it was passed by your Lordships, and I believe that my noble friend (the Earl of Roden) voted for it. But, although great pains were taken to perfect a machinery by which it might be carried into execution, it was rejected by the other House. Indeed, it appears to be the fixed opinion of the other House, as it is also that of many of your Lordships, that certain corporations ought to exist in Ireland, founded on an electoral principle. For my part, I was formerly of opinion that the best mode of governing Ireland was to abolish all these corporations. I was of this opinion, and I entertain the opinion still; but I gave up my own opinion to that which generally prevailed in the other

House, and which also predominated among a great number of your Lordships, as soon as I found that there was a prospect of creating, in each of the towns where a corporation was to have existence, a constituency which might be formed on some system of rating—or on any principle whatever, except on the perjuries of those demanding to have votes as burgesses in these corporations, and on the perjuries of others whom they might produce to support their claims. I have lived long enough in this world to have an extreme dislike of revolutions. I do not like to take power one day from one set of men, who have held it for centuries, and the next day to transfer that power into the hands of men who have never held it before. In Ireland, however, I conceive that it is now possible to find a system of qualification, by which provision would be duly made for the division of power between the two classes of inhabitants of that country, and by which the peace and the good government of those towns would be secured; and, conceiving this to be so, I am anxious to support any measure having such an object in view. On these grounds, then, and having supported the Poor Law Bill for Ireland, and hoping that the good working of that measure may afford the groundwork for a qualification adapted to this other measure, I supported this measure in the last Session, and did everything in my power to amend the Bill as sent up to your Lordships from the other House, so that when it left your Lordships it might go down to the other House again in such a shape as should be best calculated to attain the object I had in view, namely, the good government of the towns of Ireland, rather than the satisfaction of those views to which the noble Lord (Lord Lurgan) has adverted with so much eloquence. Eloquence of this kind, however, I must confess, never makes any impression on my mind.

My Lords, I have no notion of a repeal of the Union, or of any measure of that kind—the carrying of which, I think, must depend, in a great degree, on the Government of this country, where I hope always to see the Government strong enough to oppose and defeat the passing of such projects. But, with respect to the Bill before us, when the noble Lords on this side of the House adopted the principle of election for the formation of these corporations, I was in hopes that those on the other side would have met them half way; and that, before now, we should have agreed on some system which might have given security for the

results which we propose to obtain and have in view for Ireland —and which I declare to be none other than the peace and good government of the country, and the contentment of every class of its inhabitants. This, my Lords, I expected and hoped; but here we are, on the 22nd of July, for the first time in this Session, taking a measure of this kind into consideration, a measure which contains 250 clauses—of which 124 clauses have never been before us previously—containing, as they do, very nearly 124 new principles; and I must say, that, feeling as I do about this Bill, were it for the reason alone which has been stated by the noble and learned Lord (Lord Brougham), I should be disposed to vote against the second reading. There is certainly not sufficient time to go through the whole Bill. I am perfectly aware of the misconstructions which may be put upon the conduct of public men, and the use which may be made of such misconstructions out of doors; but still I do not recommend your Lordships to reject the second reading of this Bill on the 22nd of July. My Lords, the course I do recommend is, the considering of the measure in committee; and, if possible, the rendering it such a Bill as ought to pass, and as may be calculated to attain the objects we have in view. But I must say that many of the topics adverted to by the noble Earl who moved the second reading for this day six months, have a very great effect on my mind; for I cannot avoid looking around me, I cannot avoid seeing what is passing at Birmingham, and what is passing in other corporations. I cannot avoid adverting to these effects of what is called 'corporate reform' in this country—and I cannot but think that these circumstances furnish stronger reasons than those which before existed for observing all caution in effecting any change, and for taking care that the corporations of Ireland shall not be invested with those powers for mischief which they will have under this Bill. If it do not come out of the committee much amended, and if it do not come out such that I can vote for it, consistently with my ideas of what is security for good government in Ireland, and for the contentment of the people in general, then I must vote against it in its future stages. With respect to the speech of the noble Lord who last addressed the House, it is obvious that the noble Lord—and I speak of him with the respect which is due to his character, and to the ability which he has manifested this night—does not know, I cannot help saying, much of the history

of this measure, or he would not have talked about giving powers with respect to harbours, and watching and lighting, and so on. These are not the things intended to be provided for; but what is to be the result of the measure, as originally framed, is the establishment of certain Roman Catholic corporations for what is called the municipal government of those towns to which the Bill applies; and to those corporations, I really believe, it is intended, by this Bill, to give as little to do as possible. The other Bills gave them more to do; but I believe that, now, Her Majesty's Ministers will, before they have done with the Bill, become very desirous to cut down the power to be given as much as possible, and make that little still less. My Lords, if the Bill do not come out of the committee very materially altered, I shall most undoubtedly advise your Lordships to reject it; for this is not the time, the circumstances of the moment are not propitious, for entering into a discussion, by conference, with the House of Commons, upon a Bill of this description. It seems at present likely that Parliament will not sit for more than a fortnight longer; and I am sure that a fortnight is not sufficient to amend this Bill in such a manner as is necessary. Under these circumstances, I shall recommend your Lordships to vote for the second reading of this Bill, passing by for the present the amendment of my noble friend, to go into committee upon the measure, there to consider its provisions well, and to introduce such amendments as shall render it fit for the government of the corporations of Ireland, and produce contentment in that country. If it should not come out of the committee in such a shape as that good may be expected to result from its passing, then I would recommend your Lordships to adopt a motion similar to that made by my noble friend.

July 23, 1839.

SPAIN.

The Marquis of LONDONDERRY put various questions to the Government with reference to the papers relating to Spain which had been lately placed on the table.

The Earl of CLARENDON and Viscount MELBOURNE having spoken,

THE DUKE OF WELLINGTON said:

On this subject I am happy to be able to congratulate your

Lordships that at last you have reason to hope, from the statements contained in these papers, that there will be an end put to this disastrous and disgraceful system of warfare; and I should here close what I have to say to your Lordships on this subject, if transactions to which I have been a party, and my name, had not been referred to; and if, as I think, some erroneous opinions were not entertained—they have been stated—by Her Majesty's Government, and by the noble Earl opposite (who made a most able speech on this question), on certain points to which I think it important to refer. I have frequently stated to your Lordships, in discussing this subject, that that which it is essential that this country should assume, in order to be able to attain the object which, it appears from these papers, has been at last attained, is her real position under the quadruple treaty, and not to continue in the character of a belligerent. My Lords, I have always said, that, if Her Majesty's Government had assumed the position in which she really stands under the quadruple treaty—that of an ally of the Queen of Spain, if your Lordships please—that of a power which has acknowledged the rights of the Queen of Spain to the throne, if you choose—that of a power bound by a certain treaty to give specified assistance, and giving that assistance, but, at the same time, doing no more, and being strictly neutral in all matters for carrying on the war, except under the circumstances specified in that treaty; I do say now, and I have said so all along, that Her Majesty's Government must have had influence enough to be able to put an end ere this to a system of warfare which has so long shocked all mankind. My Lords, the truth and justice of this opinion are founded on a due knowledge of the nature of the war, and of the two powers by whom it is carried on; and if, on the very first suggestion that there should be a strict neutrality maintained by other states between those two powers, Her Majesty's Government had made a proposition of that kind to the Austrain Government, that object would have been attained, which still remains to be accomplished; and Her Majesty's Government had nothing more to do than to carry into execution all the details of that treaty as early as they could. I say that, when the Government, in 1834, took upon themselves the real position which belonged to them, and when their interference produced what was called the 'Eliot Treaty,' the operation of that treaty would have continued, and the influence of this

Government in the contests between the belligerents in Spain would have continued in the same beneficial course, had only the same line of policy and conduct been pursued from the commencement. It is impossible, at this period, to say what would have been the consequence with respect to the relations between the two belligerents at the present moment, of such course of conduct; I certainly hoped that it might have been attended by the best of all consequences—the pacification of Spain, and the establishment of government, and the enjoyment of peace and happiness by all the worthy, for I must call them worthy, inhabitants of that country.

My Lords, I now come to another part of the subject, which, in my opinion, has been entirely misstated by the noble Lord opposite, and also by the noble Viscount; and which is not understood by Her Majesty's Government—and that is, the situation in which we stand with respect to the great alliances of Europe, in consequence of the quadruple treaty. The noble Earl says, 'Oh, we cannot enter into a treaty with the great alliances, because we are parties to the quadruple treaty.' The noble Earl says so, and the noble Viscount repeats the idea. That is not the fact; the fact is this—we cannot enter into a conference with the other three allies, because Great Britain is belligerent; the other three allies not only do not acknowledge the Queen (I believe they have not formally recognised her, although they may be disposed to do so), but they are neutral in the contest, and stand in the situation of being parties to the quadruple treaty, and holding a course of strict neutrality as to the contest; whilst England stands in another position, that of a belligerent. The others, I say, are neutrals, and yet disposed to acknowledge the Queen. Why, my Lords, it is obvious, that, after this, there can be no concert between the parties. I admit that this concert would be impossible, not on account of the quadruple treaty, but of the belligerent position which this Government has thought proper to take under the quadruple treaty. If you had confined yourselves to the quadruple treaty, you might now enter into conferences with the other powers for the pacification of Spain. Such an attempt would not succeed, perhaps, and I hope it never will, on the basis alluded to by the noble Earl. But there are other means by which a conference might be brought about, or by which our mediation might be used, and which would be infinitely more important than the

aid of a few companies of marines. The moral influence of this country might be used with great advantage for the pacification of Spain, and it would be far more effectual than any you have yet employed. This is the course which I have always contended should be taken. I do not ask you to break any treaty. On the contrary, I think you ought to walk in it, to the very letter, in support of the Queen of Spain; but not to put yourselves in the position of belligerents, and still less of belligerents carrying on a petty warfare. I have inculcated this course over and over again on Her Majesty's Ministers; and the papers now on your Lordships' table demonstrate that I was right from the beginning. The commands and instructions given to me by His late Majesty all went to show that this was the course which ought to have been taken; but after all the blood that has been shed in this barbarous warfare, the Government now call a neutral power to aid them in the pacification of that interesting country; and the papers on that table will show you that it is not otherwise in their power to produce those effects so eloquently described by the noble Earl. I am glad, however, that recourse has at last been had to negotiation; and I hope the Government will now persevere in that course which is likely to be so beneficial to Spain.

July 25, 1839.

MUNICIPAL CORPORATIONS (IRELAND) BILL.

In Committee on this Bill,
Lord LYNDHURST moved to raise the qualification from 8*l.* to 10*l.*
Viscount MELBOURNE opposed the amendment.

THE DUKE OF WELLINGTON said:

My Lords, notwithstanding the noble Viscount has just been pleased to stigmatise the conduct of noble Lords near me in relation to this Bill as unjust and absurd, that which I have always had in view is, to take care that, in adjusting the corporate institutions of Ireland on a new basis, we should not work a revolution in all the towns in which the new arrangements are to come into operation. I consented to abolish the existing corporations, because they were constructed upon an exclusive principle—because they were exclusively Protestant. I am desirous that the

elective principle should be applied to the formation of new corporations; but I wish to apply it in such a manner as that they shall secure a fair and impartial administration of municipal affairs for the benefit of the inhabitants and for the protection of property. This is the meaning of that impartiality to which my noble friend (Lord Lyndhurst) has adverted in the admirable speech he addressed to your Lordships. I believe that the qualification proposed by my noble friend, and the amendments which will be proposed on the other clauses, may render this Bill such that, by passing it, we may hope to attain the objects which its framers profess to have in view. These are worthy objects, notwithstanding what the noble Viscount has been pleased to insinuate. All that I can say upon the subject is, that I have no object in view in amending this Bill which I consider to be other than a worthy one. I wish to establish corporations in the towns of Ireland, which may become the instruments of administering justice impartially, and of securing protection to persons and property; which may prevent the plunder of property for the purposes of patronage, or for any other improper object. The noble Viscount has thrown out an insinuation against us, that we do not wish to see this Bill carried. I beg to remind your Lordships that we have had this Bill under consideration for a few days only. They who have had this Bill under their consideration during the whole of last summer, and who have had every opportunity of viewing it in all its parts, and have since had every opportunity of directing their attention towards it, knowing, as they must have done, the opinion of your Lordships upon it, as well as the opinion of the other House of Parliament, it is they who do not mean to carry the Bill, and not we, my Lords. They who, all this time, have taken no measures to modify the Bill in such a manner as that it might have the support of your Lordships, as well as of the House of Commons, it is they who do not mean to carry it; they who have brought it up to your Lordships at a time of the year when it is absolutely impossible to do more than discuss it in the manner in which we are now doing. We have thrown no impediment in the way of the Bill. It is they, and not we, against whom the noble Viscount was pleased to throw out his insinuations, who do not mean to carry the Bill. If the noble Viscount wish to find fault with our conduct, let him bring his charges fairly and openly, and not throw out his insinuations about unworthy motives; for I protest

that we have come into this House with as fair, as honorable, as upright motives as can possibly actuate either himself or any other noble Lord on that side of the House.

July 26, 1839.

GOVERNMENT OF LOWER CANADA BILL.

The Marquis of NORMANBY moved that the House go into Committee on this Bill.

Lord BROUGHAM and Viscount MELBOURNE having spoken,

THE DUKE OF WELLINGTON said:

I do not think it necessary to follow the noble Viscount in his observations on the speech made by my noble and learned friend (Lord Lyndhurst) last night upon the Irish Corporations Bill, or to compare the delay which took place before that Bill was brought before Parliament with the delay attributed to the Government by the noble and learned Lord opposite upon the Canadian question. For my own part, I have never felt the smallest surprise at the delay that has intervened in introducing such a measure for the settlement of Canadian affairs, as that which was recommended in the Speech from the throne, and afterwards in a Message from the Queen, and actually at length proposed to, and printed by, the other House of Parliament. I confess I never was so surprised in my life as when I heard the Message of the 3rd of May delivered to this House; and I should certainly have stated some objections to the Address moved a few days afterwards by the noble Viscount in answer to that Message, if I had not received intelligence, on the day before the Address was moved, of certain proceedings in the Legislative Assembly of Upper Canada, which announced the desire of the legislature of that province to see carried into effect a union between the two provinces. I did not myself mean to make any objection to a measure which seemed to be wished for by the Legislature of the one province, and might, probably, be so in the other, because I thought it would be right to return a cautious answer to the Message from the Throne. I therefore, certainly, did not state my reasons for thinking that the question was not then ripe for decision. It is my opinion, however, that the question was not ripe for decision at the commencement of the Session; that it was not ripe for decision on the 3rd of May; that it was not ripe for decision on the 20th

of June, when a noble Lord postponed the Bills in the other House of Parliament; and I am convinced that it is not ripe for decision at this moment. It was on that ground that I gave my consent to the second reading of the Bill, and that I now give my consent to going into Committee upon it. My opinion is that, before your Lordships can effect what is called 'a settlement' of the affairs of Upper and Lower Canada, you must first establish peace and security within those provinces. But you did not establish peace and obedience to authority in those provinces on the first day of the Session; you did not do so on the 3rd of May—you did not do so on the 20th of June; you do not do so now. This is the misfortune of the measure before us.

The province of Lower Canada, as has been stated by the noble Viscount in the last sentence of his speech, is in a state of rebellion at this moment, and the Queen's authority is not obeyed there. The Queen cannot give protection at this moment to her loyal subjects within the province of Lower Canada. I say, therefore, your Lordships are not in a situation to take any other measure, except to do the best you can for the government of the province by employing some legal means in addition to the military force there, because, in point of fact, you have not yet established legal authority. This is the difference between the condition of Canada and that of Ireland. In Ireland the Queen's authority is obeyed,—I wish I could say it is perfectly obeyed,—but, however, the Queen's authority and the laws are, more or less, obeyed, and, upon the whole, there is so much of obedience that you can pass efficient laws for the government of Ireland; but you cannot make laws for the government of Lower Canada, because you have not yet established the Queen's authority there. The reason why you have not done so I have already stated so often that I am almost ashamed to advert to it again. You have never set about your operations in that country with a view so to establish the Queen's authority as if you intended to carry your measures into execution. You did not, in the first instance—as I have more than once reminded you—advise the Queen to declare her intention to maintain her sovereignty and authority within the province; you have attempted to carry on your operations there with a reduced peace establishment; and the consequence is, that neither neighboring powers nor the world at large believe that you are in earnest in the measures you are pursuing, or that you

will attain the objects you profess to have in view. Hence it results that, after two campaigns, after almost two years of warfare, you are placed nearly in the same situation as when you commenced. There is a description of warfare carried on along the whole frontier between the United States and Her Majesty's dominions from the side of the United States. There is not one of Her Majesty's subjects on that line who is not in a constant state of alarm; and the war is proceeding exactly in the condition in which it was at its commencement in November, 1837. When the seasons come round, when, owing to the state of the weather, there will be greater facilities for activity and locomotion, your Lordships will hear of the same outrages and disasters which you heard of in the course of the last year; and so things must continue until this country shall show, by the measures it adopts in this and the other House of Parliament, its firm determination to establish the sovereignty and maintain the rights of the Crown in that part of the world.

My Lords, I have said frequently that you cannot carry on two wars—one in Asia and one in America—and military operations besides in different parts of the world, upon a reduced peace establishment. In consequence of attempting to do this, you are not only starving your war service, but you are starving your peace service also. In consequence of your want of force, then, not only are you not able to undertake the measures for the delay of which the noble and learned Lord reproaches your Lordships, but you are not able to preserve the peace of the country anywhere. The army now is more than 10,000 men under its proper number even for the home service; and every description of measures must now be resorted to in order to preserve peace, because an impracticable attempt—an attempt which cannot succeed—has been made to carry on the war with a peace establishment. Your Lordships are trying, with a reduced peace establishment, to carry on warlike operations in different parts of the world at the same time; and, the consequence is, that the peace service is starved as well as the war service. It is very well known that, in the course of the last winter, the country had to sustain an insult, such as, I believe, was never suffered by this country on any former occasion, nor, I believe, by any country whatever from another; and it was upon the very frontier of one of these colonies: a colony, being in connexion with Canada, was taken from Her Majesty's Government

and safe keeping. A territory, the dominion of which is in question between the United States and Her Majesty, has been seized by the State of Maine; and I am not sure that it is not now in its possession. I hear also that several other inroads are threatened; and again I tell noble Lords that I know that it has been the practice, ever since the French revolution, to announce operations of this kind beforehand. The advantage of announcing them, the advantage of threats, is this: threats occasion terror, and terror is the great means, and the greatest means, of bringing about execution. I venture to predict that this very inroad, which is now threatened from the State of Maine, will be made upon the first occasion; and, I will answer for it, there is not within the British provinces the means of resisting the attack, because all the troops—the peace service of the provinces being necessarily neglected into the bargain—are employed in Canada; and there they are not sufficient to give protection to Her Majesty's peaceable and loyal subjects. They cannot maintain Her Majesty's Government, and Her Government is therefore despised—her authority no longer exists; and it is absolutely impossible for your Lordships to attempt any settlement whatever—I do not care what it may be—of this question, either now or a year hence, until you shall have been enabled to effect a settlement of Canada, and the establishment of Her Majesty's Government by force in that colony.

The noble and learned Lord has stated certain objections to the details of this Bill. He voted for the measure brought in by the Government at the commencement of last year, and, on the same principle that he did so, he is disposed to vote for this Bill. The noble and learned Lord has announced his intention to propose certain amendments to the Bill in Committee. It will then be for your Lordships to consider those amendments, and to hear what objections will be made to them: you will see whether it is fitting that they should be introduced into the Bill or not. I earnestly recommend your Lordships not to be in a hurry to make alterations in the Bill, unless you shall see an absolute necessity for them, but to leave to the Government the responsibility which belongs to them for this and for any other measure they may think proper to introduce in order to bring these matters to a conclusion. But once more I will tell the Government that, unless they set to work clearly and seriously to establish the authority of Her Majesty in North America, they may rely upon it that all

they are doing is only throwing money away, and tormenting themselves and the country for no reason and no use whatever; that they must first begin by declaring their intention to establish Her Majesty's Government, and to form a fleet and army accordingly; and until they do that they will do nothing at all. I think I have now gone through the whole question, or, at least, as far as it is necessary for me to go on the present occasion. I am perfectly aware that, besides Her Majesty's regular troops employed in this colony, there is a large body of volunteers and militia formed from among the people of both provinces, but particularly of Upper Canada; and I must say that I cannot sufficiently applaud the spirit with which those men have come forward in Her Majesty's service. The labours and privations which they have undergone in support of the rights of Her Majesty and of the laws of the mother country have been very great; and I do think that it would ill become this country, under any circumstances, to abandon such men—to leave them to their fate—or to do otherwise by them than make every effort which it may be in the power of this country to make, to re-establish peace among them, and to establish in the country such a government as would afford them protection, and give them tranquillity and peace and happiness for the future. This is what I wish to see. I really feel the highest respect for those people, on account of the very valuable services they have rendered to Her Majesty, not only throughout the recent disturbances, but on all occasions.

Bill committed.

August 1, 1839.

SLAVE-TRADE (PORTUGAL) BILL.

The Earl of MINTO moved the second reading of this Bill.

THE DUKE OF WELLINGTON said:

My Lords, I certainly concur in the statement of facts which has been made by the noble Earl; and I think no doubt can be entertained of the existence of the evils to which he has alluded. I likewise concur in the opinion expressed by the noble Earl, that very possibly those evils may have been aggravated by the benevolent course pursued by this country, and therefore it is certainly the more incumbent on us to apply a remedy to them. Various

treaties on the subject of the slave-trade have been concluded with different powers; and I believe that the preamble of the present Bill contains an accurate list of certain of the treaties in which the Portuguese Government is concerned. I have signed more than one of those treaties myself, and I consequently possess some knowledge of the subject. I am perfectly aware that, for many years, it had been the desire of this country to prevail on Portugal to adopt efficient measures to put down the slave-trade carried on under her flag; and I likewise know that, up to a late period, namely, when I was a member of the Government, nothing effectual had been done towards that object. I now, however, am sure that every one of your Lordships who has considered the subject will be of opinion that Portugal must be considered as fairly under engagements to adopt effective measures in order to extinguish the slave-trade, which is carried on under her flag; but the noble Earl has adverted to the difficulties in which Portugal finds herself in endeavoring to execute her engagements, and has admitted that those difficulties have not so much originated with the Portuguese people at large, as with certain persons in high station among them. I am sorry to say that the same may be the case in other countries, perhaps more advanced in civilisation and sentiment. I happen to have negotiated with some other nations on this subject, and I must say I never found so difficult a subject for negotiation. I must also observe that, since the year 1817, until a very late period, the Portuguese Government, as has been truly observed, has been almost continually involved in a state of revolution; and it may therefore be said that that Government has not possessed complete authority or power to act energetically with respect to this or to any other subject for the last twenty years. I, however, declare broadly that this country has a right to insist that Portugal shall execute her treaties for the extinction of the slave-trade, and shall satisfy this country that those treaties have been really and *bonâ fide* carried into effect. But this is a proceeding for the executive Government to adopt; and this country should not be called upon to interfere by Act of Parliament. I can tell the noble Earl that such a course as I thus urge upon him is much more consonant with the principles of the British constitution, and much more likely to lead to a pacific conclusion, than the introduction and passing of the present Bill. There must have been some negotiation on this sub-

ject; and if the Government had acted in the mode I point out, there would already have been some project of arrangement prepared, and some answer to that project in a diplomatic form; and the Government might have been justified by the reasonableness of their demands, and the unreasonableness of the refusal to comply with them, in proceeding, if they so thought fit, to extremities in the matter. The facts of the case would then have been before all the world, and every man would have been able to judge whether the British Government or the Portuguese Government was in the right, and the Government which happened to be in the wrong would have known by what concessions it could alone avoid the adoption of extreme measures. This was the advantage always obtained by the old constitutional mode of such proceedings in this country. It is for the Government to take upon itself to enforce the execution of treaties which this country has entered into, and not to come down to Parliament and ask us to pass Bills of this kind.

What will be the consequences of this measure? That Portugal must resist it; for, if she submit to the legislature of this country, she will no longer be an independent nation. By that course she must stand or fall. The Legislature of this country cannot give up their law, nor can the Portuguese Government submit to it. The latter must, therefore, resist; and a quarrel will ensue which may lead to the death of an ancient ally. Such will be the consequence of adopting this measure, instead of following the regular constitutional mode of the King's Ministers coming down to Parliament with a case against Portugal, showing what she ought to do and what she has not done, and then calling on us for such measures of coercion as Her Majesty might think proper to recommend in such cases as this which has been made out against Portugal. I believe that, if this course had been pursued, Portugal might have conceded what is required. She might then have owned that she had been wrong, and would, therefore, make the necessary concession; and I think she might thus concede with honor, and this country might, with honor, accept that concession. This course would be not only the most proper, but the one most likely to lead to the result wished for by the noble Viscount opposite and by the country, without entailing the scandal of warfare to be waged on the part of Great Britain against her ancient ally; in fact, it is the most just course, as between

man and man. This Bill, too, is a recital of only one side of the case; the preamble is taken as proved, and as one on which your Lordships can rely. But, my Lords, we ought to hear the other side of the case: we are now about to condemn Portugal by the preamble of this Bill; and we should, therefore, be as cautious in our proceeding as if we were acting towards one of Her Majesty's subjects. I asked the noble Viscount opposite a question with respect to the additional article of the treaty of 1817; for that article will show your Lordships something more in these treaties than is stated in the preamble of this Bill. In that article it is stated that, 'If the slave-trade should be abolished,' then the matter forming the subject of the treaty is to remain on the footing there expressed, as between the two countries, from that date, namely, the date of the abolition; and this has been recognised as the principle of the treaty for many years. Now, if abolition of slavery be a stipulated condition under this treaty, that abolition ought to be effected *bonâ fide;* and I could show your Lordships, if I had a copy of that article, that, in consequence of the conditions contained in it, we cannot proceed offhand, and go on with this Bill. Only one side of the case is stated in the preamble of this Bill; and your Lordships, therefore, cannot vote for its adoption. But it is obvious there has been some negotiation going on lately; there has been a *projet* and *contreprojet;* and it is said that there has been a demand on the part of Portugal that something shall be done to protect her in case she should give up this trade, and execute proper treaties proposed by Her Majesty's Government. It is impossible, then, after this project, for Ministers to bring in this Bill, or for the Parliament of this country to pass it, without our knowing every tittle of what has taken place between the two Governments on the subject. If Her Majesty were to send down a Message, announcing that she thought proper to commence hostilities against Portugal, on account of the non-execution of engagements made by the Government of that country with us as to the slave-trade, Parliament would require to have all the matter fully before them, and would want to know what those engagements were, and how the matter stood, before they would address Her Majesty, conveying their approbation of the course which Her Majesty's Ministers might have thought proper to adopt; nay, more, the country would require to have before it the whole policy of the measure to be

adopted for effectually putting down this trade. This is my opinion. I do not advert to the details of the Bill; but it appears to me that they have but one meaning, namely, war upon Portugal, to attain the particular object in view. It was but a few evenings ago that a noble friend of mine, with great force and eloquence, stated the inconvenience, the evils, and the irregularity of one power making war upon another for the purpose of attaining a commercial object; but I have been sorry to hear, in the course of the discussion this night, that this country is about to give an example of such a course. My Lords, I am sure that this Bill will be another instance of that objectionable mode of proceeding; only it will be an evidence on the part of the whole Legislatures of Great Britain and Ireland, instead of on that of the Sovereign alone, of a desire to levy war against Portugal. My Lords, there is one part of the Bill which the noble Earl has not explained, and which appears to me to be of very great importance. It is that, under its terms, vessels of any power may be stopped, not condemned, but they may be detained, and inquiries may be made whether they possess the requisite papers; and it further appears that the persons who stop those vessels are to be indemnified for their acts. These are quite novelties, in my opinion, in the legislation of this country; and I earnestly recommend your Lordships to consider well before you pass such a measure as the present. I would also recommend the noble Viscount opposite to take this subject into consideration, and to bring down a proper Message to Parliament, so as to put this Bill on its real footing, as expressive of the sense of Parliament touching the breach of a treaty on the part of Portugal. Your Lordships should avoid consenting to such a partial measure as this; it is one which this House certainly ought not to sanction, and one which I earnestly recommend your Lordships not to agree to.

Viscount MELBOURNE spoke in answer to the noble Duke.

THE DUKE OF WELLINGTON said:

One word, my Lords, in explanation. I did not state that the treaties were accurately set forth in the preamble; nor did I admit that there was any necessity for proceeding in the way proposed by this Bill. What I did say was, that Portugal was bound to fulfil her treaties; and that the Government was justified in enforcing those treaties by the usual constitutional means. I

urged that your Lordships should consider the documents before the House, and inquire whether it would not be prudent and proper to proceed, in the usual constitutional manner, to enforce the observance of the treaty by Portugal. Whether other measures ought to be resorted to or not, Her Majesty's Government are the best able to judge. I do not mean to dictate to the Government what they ought to do, any more than I should hesitate to desert them when they depart from that course which is just, and honorable, and fair towards an adversary, and which it is necessary to maintain for the reputation of this country in her conduct towards Portugal, and in her transactions throughout the world.

Bill rejected.

August 2, 1839.

Lord BROUGHAM moved an Address to the Crown, having for its purpose the more effectually checking of the Portuguese slave-trade.

The Earl of MINTO having spoken,

THE DUKE OF WELLINGTON said:

Having asked your Lordships, last night, to reject the Bill which was proposed by the noble Earl who has just sat down, it is necessary that I should address a few words to your Lordships on the present occasion. If the noble and learned Lord opposite (Lord Brougham) had been here yesterday evening, he would have seen the justice of admitting that no person could denounce in stronger terms than I did the continuance of the African slave-trade, or more strenuously insist upon the fulfilment of those engagements which foreign powers—and Portugal in particular—have made with this country in reference to that subject. But, in order to accomplish our object, I contend that a proper course should be taken. First of all, I contend that the constitutional mode of insisting on a performance of engagements is by negotiation; and next, by stronger means, if necessary, to be put in motion by the Crown, and by the Ministers of the Crown of their own responsibility. I maintain that Parliament should not be called on, in the first instance, and for the first time, without any previous knowledge or communication on the subject, to legislate in the manner and according to the terms of such a Bill as your Lordships rejected last night, containing many matters which hardly related to this question, and with a preamble in which such

a case was by no means s[illegible] out as would justify Parliament in voting for it. As regards the Address proposed by the noble and learned Lord, I have no objection to the first part of it; I am willing to concur in any measure that Parliament may think proper to take, to proclaim and insist upon a general discontinuance of the slave-trade by all the powers, and particularly the Portuguese and Brazilian Governments, for the suppression of that part of the traffic carried on under the flags of Portugal and the Brazils. With respect to the latter part of the resolutions, if Her Majesty's Government think proper to give any orders, or to carry any measures into execution, for the suppression of the slave-trade, they will be responsible to the country and to all Europe for them; and I shall have no objection, when those measures shall be brought forward, and I see grounds upon which they ought to be adopted, to give my consent to them, if Her Majesty's Government think proper on their own responsibility to adopt them. But I must confess that I do not like this mode of proceeding. I do not like to ask your Lordships to do a thing one day, and then to find the noble and learned Lord pursuing a course which I do not deem quite fair—(he having been absent from the debate last night)—by coming down to-day and proposing that your Lordships should agree to the Address he has moved, upon the principle of doing the very thing which the House had before refused to do. If it be the last act I perform in this House, I will not vote for the Address upon that principle. No man is more desirous than I am to put a stop to the slave-trade, although a noble Lord was pleased to say that I had deserted the Government and had turned my back on them and on the Crown. I beg to tell the noble Lord that I believe he will find me sticking to the Government and to the Crown a great deal longer than himself. That noble Lord will find me always performing my duty according to the best of my judgment, and according to my conscience, upon all occasions. But I am not to be put upon by any discourse of that description. If the latter part of the resolution is to be taken in the same sense in which the Bill was proposed, I should earnestly recommend and entreat your Lordships not to vote for it. I am perfectly ready to agree to any motion for pledging the House to support the Crown in any measures the Crown may think proper to adopt in order to put down the slave-trade, and to enforce the execution of the treaties which have been made by other powers

with this country for that purpose; but I cannot pledge myself to say that I would vote for a resolution in such a shape as that the sense of it should be that your Lordships should agree to that which, on the previous night, I called upon your Lordships to reject.

Lord BROUGHAM and the Marquis of LANSDOWNE having spoken,

THE DUKE OF WELLINGTON said:

What I said in reference to the preamble of the Bill which was thrown out last night was, that the provisions of the treaty of 1837 were not therein inserted. I also clearly stated that there was a distinction between going to war by proclamation, or act of the Crown, and by Act of Parliament. I stated distinctly the course which, in my opinion, ought to be followed as respects both England and Portugal for the future, and, above all, as respects our future relations with an old ally. I said that some measures were necessary to enforce the treaties into which we have entered, and to put an end to the slave traffic; but I contended that those measures ought to be taken in the old and constitutional mode, namely, by a message from the Crown. If this plan were adopted, the whole case would be brought before the Parliament, before the public of England, before Portugal, and before the world, in a manner conformable with the law of nations; and it would then also be brought before the world in a much more creditable manner for this country than it can be by any Act of Parliament directed against the subjects of Portugal. By the plan which was proposed we were actually going to legislate for the subjects of Portugal; and I cannot help saying that such an interference on the part of England would be both unwise and unjust. The old and regular mode of proceeding in such cases—by a message from the Crown to this House, informing the House that Her Majesty had determined on hostilities with Portugal, with the view of enforcing the execution of the slave-trade treaties—would be a more open proceeding towards Parliament than that which was meant to be adopted, and would afford to Portugal a much more easy method of complying with the wishes of England than it is possible she could have by an invasion of her rights by an Act of Parliament directed against the subjects of that country, which Portugal would resist, even to the death, by every means at her disposal. On the other hand, I admitted that it is impossible for England to recede from the treaties into which she has entered; and I pointed out the measures which, in my opinion, ought to be adopted

for enforcing the execution of those treaties. Such an Act of Parliament as that which it was proposed to your Lordships to pass would have been a complete novelty; and I could not see how it could be adopted by your Lordships without occasioning such a sensation throughout Portugal, and throughout the world, as, without fail, must endanger some of the most important interests of England, and be productive of the most serious inconvenience. Such are my opinions on this important subject; and, entertaining such views, I felt it to be my duty to state them to your Lordships. And if the Address which has been proposed by the noble and learned Lord implies that we should proceed to enforce the slave-trade treaties with Portugal in any other way than the usual methods, namely, by the adoption of such measures as may be considered necessary, on the responsibility of the Ministers of the Crown, then I, for one, feel that I cannot, as a Peer of Parliament, consent to that Address. The first step, in cases like the present, ought to be taken by the Crown; and if the Crown shall adopt this course, and Ministers shall call for the assistance of Parliament in order to carry the measures which they may deem necessary into execution, then, when those measures are before Parliament, it will be for your Lordships to decide upon their merits. It is, in my opinion, highly improper, in cases of a nature so serious as this, to depart from the old constitutional modes of proceeding, to introduce a new principle, and to legislate on questions of war, before Parliament has a declaration from the Crown, issued on the reponsibility of the Government, that war is be carried on.

August 5, 1839.

POSTAGE.

Viscount MELBOURNE moved the second reading of the Postage Duties (Uniform Penny Postage) Bill.

THE DUKE OF WELLINGTON said:

My Lords, I have every wish that this Bill were such a measure as the noble Viscount has been disposed, perhaps by mistake, to describe it, and that the Government already possessed, and had at its disposal, the power of carrying it into execution, without calling on this House to come to a vote upon the question. I have never addressed your Lordships with more anxiety and

pain than I do upon the present occasion; and I have never felt more reluctance than I do now to make up my mind as to the vote which I shall give upon this question, and to advise your Lordships upon the course which it is my opinion we ought to follow. In the preamble of this Bill it is stated to have for its object the establishment in this country of a low and uniform rate of postage. I admit the truth of the arguments stated by the noble Viscount upon the expediency, and indeed the necessity, of establishing a uniform and low rate of postage in this country. These arguments have been urged, more than once, by my noble friend near me (Lord Ashburton), and by the noble Duke who heretofore filled the office of Postmaster-General, but whom I do not perceive in his place this evening. If, however, the object be only to reduce the expense of postage, and to establish a uniform rate, I imagine that the power of the Government is already sufficient for such a purpose, although the power was not granted for that immediate object; but the object with which the power was given was for the purpose of enabling the Government to adopt that particular plan which is called Mr. Rowland Hill's plan, and which I am certainly disposed to admit was, of all plans, if adopted exactly as Mr. Hill proposed it, the most likely to be successful. At the same time, I must say, I am afraid that the present plan will not be entirely successful. I think, in the first place, that a great mistake is committed in the assumption that the reduction in the rate of postage down to 1*d.* even, to be paid on the delivery of the letter, would induce any very considerable increase of literary correspondence. I possessed for many years an extensive knowledge of the degree of advantage attendant upon such a system in the army; and I can safely assert to your Lordships that it is quite curious to remark how small an amount of correspondence is carried on by soldiers, notwithstanding they enjoy the utmost facilities for doing so. One remarkable instance I will mention, just to show that it is not quite certain that a large increase of correspondence will take place in consequence of the rate of postage being reduced to 1*d.* In the case of a Highland regiment, it was positively ascertained that, in the course of six or seven months, only sixty-three or sixty-four letters were written. Now, this is a fact on which reliance can be placed; and it certainly demonstrates that the people of this country are not so ready to correspond as some suppose, even when they can send letters at the

rate of 1*d.* for the postage. I would beg your Lordships to observe just one point touching the application of this plan to the country parts of England. It is perfectly well known to you that the post-office is frequently six or seven miles, and sometimes ten or fifteen miles, from most of the houses and villages in a neighbourhood. Now, if a man have to take a letter to the post-office, he may lose half a day's work in going there; and it cannot be supposed that he would make such a sacrifice merely because he would be only charged 1*d.* on delivery of his letter. Then, again, let us look to the manner in which the plan will work in large towns. The plan will, no doubt, work beneficially in London. In London, there are a number of people employed for the purpose of delivering letters in all parts of the town several times in the course of the day. But let us take such towns as Manchester, or Leeds, or Liverpool; the people cannot resort to one post-office, and post-offices must therefore be established in different parts of the town for their accommodation, and the consequence will be a vast increase in the establishment of the Post-Office, of which increase I do not think sufficient notice has been taken in the documents that I have perused. Upon the whole, then, I am very much afraid that this scheme for a low and uniform rate of postage will be found impracticable on account of the expense, and also from the small amount of profit which will accrue from the carriage of letters. But, whether the noble Viscount has any information or not as to the probable result of the adoption of the plan, it appears that, notwithstanding the plan of Mr. Rowland Hill is clearly indicated in the preamble—or, at all events, it is stated in the preamble to be expedient to adopt a uniform and low rate of postage—this plan may be departed from immediately; and the Treasury is authorised, in a subsequent part of the Bill, to adopt 'any plan they may think proper.' I certainly feel that it is most desirable we should come to a low and uniform rate of postage; but, of course, the Treasury, having such power conferred on them by the other House of Parliament, will report to Parliament if they find any objections to this plan of Mr. Rowland Hill—they will state what measures they think it expedient to take, with a view to the convenience of the public in sending and receiving letters by post. At the time this subject was first mentioned in this House, and indeed in the other House of Parliament, the noble Viscount said that his main object would be to secure the

revenue; and I certainly apprehended that the noble Viscount would not adopt this plan, unless he could see some security for the revenue; and this was the language held also in the other House of Parliament, as I understand. It seems now, however, that we have got no security for the revenue.

The noble Viscount—with great candour and reason, as I think—said, that it was impossible for him to speak with any confidence on the subject, either in one way or the other, and that it was impossible for him to know anything about it, and therefore he was satisfied with a sort of guarantee contained in the preamble of this Bill. In making an Act of Parliament, after reciting in the preamble that it is expedient that something shall be done, it is necessary to carry out that recital of the preamble by a corresponding enactment in another part of the Bill; but there is nothing more in this Bill than the words of the preamble, and nothing is said as to how long this guarantee will last, what it is to be, or what it is; so that the matter is as obscure as anything can possibly be. It should be recollected that there must be two parties to a guarantee. Neither the Crown nor this House, however, has anything to do with it. To whom is the guarantee given? To the public? to the stockbroker? or to whom? In fact, there is no guarantee at all, particularly when it is considered that no two of the honorable gentlemen who, in the other House, have given the guarantee, are agreed upon the sense of it, or in the course which it may be expedient to take in relation to any measure arising out of it. In fact, it amounts to nothing at all, and is worth no more than the piece of paper I hold in my hand. If noble Lords and honorable gentlemen who have proposed this guarantee had come down to Parliament, and expressed their disposition to take into consideration the state of the finances of the country, and the various demands existing for public services, which have been so ably stated by the noble Viscount, into which part of the subject I will not follow him—if, I say, they had considered these demands, and the real condition of the finances of the country—the state of the unfunded debt, the state of commerce and of the moneyed interest—and had said, 'Our income is not equal to our expenditure; we have no means of going on, except by increasing the unfunded debt,'—noble Lords and honorable gentlemen must have had some little degree of confidence in the future prospects of the country. With respect to the finances

of the country, I should have been disposed to say a few words, if I did not think that there were many noble Lords present who understand the subject much better than I do, and if I did not feel aware that it is prudent to say but little unless a man can explain himself easily. The estimate for the year ending April, 1840, is, for income 48,128,900*l.*, and for expenditure 47,588,954*l.* But I cannot help recollecting that there has been on foot in the Canadas, from November, 1837, a force nearer 40,000 than 30,000 men under arms. Now, I am afraid that a sum of 2,000,000*l.* carried to account will by no means pay for this, even if the affair close in the month of April, 1840. But only adding 1,000,000*l.* to the expenditure, the deficiency will then be somewhere between 800,000*l.* and 900,000*l.* If your Lordships consider the matter a little further, you will probably be of opinion that the Post-Office revenue, amounting to 1,585,000*l.*, which is carried to the account of the revenue stated at 48,128,900*l.*, ought, in reason, to be deducted, and this will reduce the income to 46,543,900*l.* This being the case, the deficiency in the revenue will be, in April, 1840, not less than 2,400,000*l.* Your Lordships should also recollect that there has been a deficiency in the revenue for the year 1839 of 430,335*l.*, and for the year 1838 of 1,428,534*l.*, making a total deficiency for the whole of these years of 4,258,869*l.*, which must be provided for in some way or other. There is, at the present moment, a large amount of unfunded debt in the market, and, I have a right to say, a much larger amount than it can bear, for the premium has fallen, and continues to fall, considerably. I am sure that your Lordships will be of opinion, looking to the interests of commerce and the state of the monetary system altogether, that it would be a great convenience, not only to the Government but to the public generally, if a large amount of these Exchequer bills were taken out of the market at the present moment, and if means were immediately provided for making up the deficiency that must exist in 1840. Besides the deficiency stated on the face of these accounts, and that which I have pointed out, there is another deficiency, as your Lordships know, of some importance. A new levy is proposed for the army, the present expense of which is calculated at 75,000*l.*; but, by this time next year, it will be double this amount. I believe there are other expenses which ought also to be taken into account. There are those, for example, for the

assistance to be given to the town of Birmingham, and the establishment of a constabulary force in the country, a part of the expense of which is to be defrayed by the people. Other expenses of different kinds are going on; and, upon the whole, the Government must expect a very large deficiency in April, 1840. Now, if the Government had thought proper to propose to the other House of Parliament, according to the course adopted at different times by former Chancellors of the Exchequer, to fund Exchequer bills to the amount of five or six millions sterling—providing at the same time means for paying the interest on the debt thus funded—they would have adopted a course which, though not possessing any novelty, would have enabled them at least to meet the contingencies of the public service, and would have relieved them and the public from great inconveniences. I can assure the noble Viscount and his colleagues that, had they taken this course, they would have given every man, who reflects at all on the situation of our affairs, much more satisfaction than can possibly be derived from the course they have taken in reference to the public burdens, in connexion with the Bill now on the table. But, my Lords, notwithstanding I feel so little confidence in this measure —and notwithstanding that I must continue to lament that it should ever have been adopted, when all the circumstances of the present times are considered—I nevertheless earnestly recommend you to pass it. It is a measure which has been most anxiously looked forward to by the country; at the same time that it is one as to which there has been much doubt, and on which, it must be confessed, there is increasing doubt: but your Lordships should bear in mind that there is not one clause in this Bill upon which you can make an amendment, or on which you can give a vote, except in the negative or the affirmative, without committing a breach of those conventional rules which have been established for the conduct of the business between you and the House of Commons. On the other hand, my Lords, suppose you were to reject this Bill, the Government, supported by the other House, would have the power to destroy the whole revenue of the Post-Office; so that all the evil which this Bill could do to the revenue, and which it is your object to save, might still be done. And seeing that, at the same time, the measure of Post-Office administration, which it is the object of this Bill to effect, and which is desired should be carried into execution, must altogether lie over,

unless you agree to some such measure as this—I say, my Lords, under these circumstances, I intend, though with pain and reluctance, to vote for the Bill, and I earnestly recommend your Lordships to adopt it.

Bill read a second time.

August 8, 1839.

UNLAWFUL OATHS (GOVERNMENT OF IRELAND) BILL.

Viscount DUNCANNON moved the committal of this Bill.

Lord WHARNCLIFFE, the Marquis of NORMANBY, the Marquis of WESTMEATH, and Lord LURGAN having spoken,

THE DUKE OF WELLINGTON said:

My Lords, having been, in a manner, called on by the noble Baron who has just addressed the House, and having been directly alluded to by the noble Marquis opposite, I feel myself under the necessity of taking up your Lordships' time for a few moments at this late hour of the night. I entirely approve of this Bill: there has been no opposition offered to it from any quarter of the House; and, certainly, I was quite satisfied with the discussion of this part of the subject, to which my noble friend near me (Lord Wharncliffe) has drawn your Lordships' consideration; and I did hope that I should be enabled to allow the debate to conclude without requesting your Lordships' attention, even for a single moment. It has been said that this Bill ought to be extended to England, or rather, that it ought to be applied to England instead of Ireland. On this subject I will say a few words presently; but, in the mean while, I would remind your Lordships of the motives which, at the commencement of the Session, I stated actuated me in voting for the appointment of the committee, to whose proceedings, and the evidence taken before whom, so much allusion has been made in the course of the present debate. The noble Baron opposite (Lord Lurgan) was not in this House at the time that committee was appointed; if he had been, he would have known that, for several previous Sessions, this House had heard much from Her Majesty's Government, and in speeches delivered by the Sovereign from the Throne, of the tranquillity of Ireland; but that, at last, after being apprised of very numerous outrages

committed in that country, the murder of Lord Norbury was announced to us. The noble Lord himself has lately come over from Ireland, and says he heard neither of crime nor outrage there: your Lordships have, however, been more unfortunate; for your Lordships have heard of the last-named outrage, of the perpetrators of which, I believe, there has been discovered no trace from that period up to the present time. The notice of the public, just at that moment, was drawn to the fact of the existence of these Riband Societies. At that period the fact, which had been generally known for a great length of time to the Government, was for the first time admitted in Parliament, just previously to the period at which my noble friend (the Earl of Roden) moved for this committee. There were some curious facts with respect to the evidence of the existence of these societies, mentioned at the time, which have not come out in this debate, namely, facts proved in evidence at different trials, in various parts of Ireland, nearly at the same period, which demonstrated that these societies did exist throughout the country and in all parts of it. Under these circumstances—considering also that the gentlemen of Ireland had great reason to complain of the state of society in which they were living in that part of the kingdom—considering that there was a strong difference of opinion, on the part of the Government on the one hand and of the public on the other, as to whether or not Ireland was in that tranquil condition in which the Government, in the most solemn manner, from the Throne declared it to be—considering, further, that although there was on the table a vast number of returns, yet among them there was not one upon which any man could rely, as conveying an accurate account of the state of crime in that portion of the realm;—considering all these things, I did think that it was expedient and advisable that a committee should be appointed to inquire into the real state of crime in Ireland, and into the administration of justice there. On these grounds I voted for the appointment of that committee. I was not a member of that committee; but I am quite satisfied with the results which have been already produced by the publication of the evidence. In my opinion that evidence, in the first place, proves to the country, as well as to Parliament, the real condition of society in Ireland. This is a satisfaction which I have derived from the publication of the evidence produced before the committee. But besides this, I had the satisfaction the other

night of hearing the admirable, the magnificent speech of the noble and learned Lord opposite (Lord Brougham), and of voting for the five resolutions which the noble and learned Lord proposed for your Lordships' adoption. As to that speech, it never can be forgotten by any man who heard it—it must produce its ultimate effect upon the administration of justice in Ireland. Whatever may be the immediate result of the resolutions for which I had the satisfaction of then voting—(for I doubt what their effect may be in consequence of what I have heard has been stated elsewhere) —of this I am convinced, that, ultimately, the principles recommended by the noble and learned Lord in his speech, and asserted in his resolutions, must prevail in the administration of justice in that country as they do at present in this. Another effect which, in my opinion, my noble friend (Lord Wharncliffe) has proved to-night to have resulted from this committee, is the Bill now under your Lordships' consideration. I hope the Bill will be carried into execution, and that it may have some effect in checking the disposition to join illegal secret societies in Ireland. But another and a most important effect produced by this committee has been to lay open to your Lordships and to the world the real existence of these societies, and the dangers resulting therefrom. I will not, at this hour of the night, pretend to go over the evidence—I cannot, now, attempt to follow the noble Marquis opposite (the Marquis of Normanby), and show the manner in which he has endeavored to extenuate the effect of the evidence; but, my Lords, this much I will say, that the result of the whole has been to produce a conviction on my mind of the positive existence of this general conspiracy—[several noble Lords, 'Hear, hear!']—and of its great danger, most particularly in Ireland, and especially at this moment, when the Government has been so imprudent as to reduce the peace establishment so low that it is scarcely equal, indeed not equal, for the performance of peace duties; this at a moment, too, when a Member of Parliament, of great influence and power, has taken the opportunity of informing the Irish public that they are 9,000,000 of people, and that 9,000,000 have only to desire to be independent really to become so: and when I find that at the time this Member gave that information he had under his hand this very conspiracy, capable of carrying into execution any plan which he or anybody else might form, in order to attempt to effect the design of obtaining independence for these 9,000,000

people;—when I see these things, I must say that it is fortunate for the British public, as well as for all those who wish to maintain the honor and power of this country, and the connexion of Ireland with it, that complete evidence should have been obtained of the existence of this conspiracy; and that the country now knows that it is a conspiracy founded upon the same principles, and carrying on its measures by the same precise means, as the conspiracy of 'United Irishmen,' and other more extended conspiracies existing abroad, have heretofore done; and that we likewise know that the Government, that Her Majesty's Ministers, had, as it now appears, the knowledge of these things—that they were acquainted with the existence of these conspiracies at the very moment at which they were boasting, in the speeches of the Sovereign from the Throne, of the tranquillity of Ireland—[loud cries of 'Hear, hear!' from the opposition benches]—and that they are weakening the military peace establishment in Ireland in order to extend their force for carrying on their war in Canada, at the very moment when, on the contrary, they ought to have augmented them both. These are the advantages which have already resulted from the inquiries of this committee. I confess that I rejoice that your Lordships did appoint that committee; and I think we are greatly indebted to my noble friend who proposed it, and to all those noble Lords who attended so laboriously upon the business of that committee, and for the exertions they have made, in order to bring out the facts contained in the evidence.

The Duke of RICHMOND, Lord HATHERTON, Lord BROUGHAM, Lord PLUNKETT, and Viscount MELBOURNE having spoken,

THE DUKE OF WELLINGTON explained:

My Lords, I beg leave to say a few words in reply to what has fallen from the noble Viscount. The noble Viscount has a right to his opinion as to the policy of appointing this committee of inquiry, and I beg to be allowed to retain mine. What I said with regard to the organisation of secret societies I will repeat. I compared them with the society of United Irishmen, which was secretly organised, and which prepared a formidable rebellion; and I ventured to intimate that ignorance of, or inattention to, the events now passing, might lead to the same fearful result. There has been ample evidence of some organisation given; but, with all noble Lords who have spoken on the subject on the other side,

there still prevails the same ignorance as existed in the year 1798, up to the very moment of the breaking out of the rebellion. I have warned your Lordships of that circumstance, in order that the same events might not recur. I have likewise ventured to state that the peace establishment has been considerably lowered in Ireland. I have not said anything in the way of comparison between the peace establishment in this day and in the year 1830; but I believe that it was reduced in 1829, and, if I am not mistaken, again in the year 1832 or 1833—[cries of 'No, no!' from the Ministerial benches]—and that it was lower in 1835 than in 1830. I made no comparison, but the peace establishment in 1830 consisted of at least 10,000 men more than it was in 1838. It was reduced by the Government to which I belonged, and afterwards, for the sake of economy, by the Government of Earl Grey. [Cries of 'No, no!']—In other points, the establishment in Ireland has been still further reduced, in consequence of the war in Canada, than it ever was on any former occasion. This is my opinion, and I have stated it more than once. Instead of reducing the establishment at home and elsewhere, it ought to have been kept complete, when war was being carried on in another part of the world; and I repeat again, that if exertions had been made two years ago, we should not have been now in the condition in which I am afraid we find ourselves at this moment, and in which I am sure we shall find ourselves a week or ten days hence.

August 13, 1839.

IDOLATROUS WORSHIP, INDIA.

The Bishop of LONDON moved for certain papers relative to Idolatrous Worship in India.

Viscount MELBOURNE gave reasons for not producing the documents.

Lord BROUGHAM and the Duke of RICHMOND having spoken,

THE DUKE OF WELLINGTON said:

My Lords, I served in India for a considerable length of time, but I never saw, I never heard of, anything so revolting in the religious ceremonies of the natives as has been described by the noble Duke and by the right reverend Prelate. The whole army, while I was in India, except about 50,000 men, consisted

of idolaters, but they were as good soldiers as could be found anywhere. They performed, in the best manner, whatever service was required of them; and certainly, at that time, the object of the Government, and of every man in the service of the Government, was to avoid, not only interference, but even the semblance of interference, in any manner, in the idolatrous rites and ceremonies of the country. I have not read one of the despatches which have been alluded to; and I must say that I have seen too much, in my own experience, to encourage the practice of producing documents of this description. I beg your Lordships to recollect that, with the exception of about 20,000 of Her Majesty's troops, and with the exception of the civil servants of the Government, and the few European residents in the country, there is not a man in India, who is not an idolater, to manage and to regulate the affairs of that most extensive and important empire. I would entreat your Lordships never to lose sight of that fact. I know, too, from experience—for I have seen the missionaries at work—the little progress which they make; and I know at the same time that their labors create a good deal of jealousy. I warn the Government not to go too far in their measures against the idolatry of India, for the Indian empire is one of great importance; and they must not expect to convert 100,000,000 of idolaters to our holy religion by the small means at their disposal. In regard to what has been stated by the noble Duke (the Duke of Richmond) relative to Sir P. Maitland, I can have no doubt that that gallant officer resigned his command, as every honorable man ought to do under similar circumstances, because he found himself unable to perform what was required from him. There can be no doubt on that point. I have not seen the paper which has been alluded to, but I feel quite confident, from what I know of Sir Peregrine Maitland, that he conducted himself in the affair like a man of honor and a soldier. In my opinion, however, the papers relative to the transactions referred to are of such a peculiar nature, and of so delicate a character, that they ought not to be produced here; for if they be, they will certainly find their way to India.

August 15, 1839.

SUPPRESSION OF THE SLAVE-TRADE.

Viscount MELBOURNE moved the second reading of the Slave Trade Suppression Bill.

THE DUKE OF WELLINGTON said:

My Lords, no man can have read the papers upon this subject which have been laid upon the table, or have listened to the able speech which was made last year by the noble and learned Lord (Lord Brougham) opposite, or to the statements which have this evening been advanced by the noble Viscount at the head of Her Majesty's Government, without being fully convinced of the existence of the slave-trade, most extensively, at the present moment. There is, in my opinion, no proposition more true than that the slave traffic has of late increased, and that it has, in particular, extended to parts of the coast of Africa, from which it had once been entirely expelled. I am also of opinion—for I concurred in the Address which your Lordships sent up to Her Majesty—that measures ought to be adopted by this Government to induce the Government of Portugal to perform the stipulations of the treaties into which that nation has entered with Her Majesty, and with her royal predecessors. No man can be more convinced of the necessity for such measures than I am, nor can any of your Lordships be more willing to adopt and to sanction such measures as Government, on its own responsibility, may offer, in order to the attainment of so desirable an end as the termination of the trade in slaves. But while I feel the deepest anxiety to see a period put to the traffic in slaves in every part of the world, I could have wished to see a different course adopted than that which has been pursued upon the present occasion. An application to Parliament of this description is not the proper course to be taken for the enforcement of treaties entered into by other nations with Her Majesty. The proper course was, for the Government to have adopted, on its own responsibility, the measures which they might have thought necessary for enforcing those treaties. In the first place, recourse ought to have been had to diplomacy, and, in my opinion, they ought to have sought, by negotiation, to secure the fulfilment of the treaties into which Portugal has entered. But Parliament is not the proper judge

on questions of this description, because it is not acquainted with the details of those negotiations. If, however, diplomacy should fail, then the Government must resort to measures of a naval or a military character, or of both, with regard to which this House has no knowledge either of the details, or of the consequences, or of the means necessary to be employed, any more than the other House of Parliament. Such measures are to be adopted by Her Majesty, on the advice of her responsible Ministers, and not by Parliament, which can have no knowledge sufficient to enable them to act in such matters. It was on these grounds that I, on a recent occasion, advised your Lordships to reject a similar Bill to that which is now before you; and I confess that I see, in the present Bill, fresh reasons for wishing that Her Majesty had taken such steps as Her Majesty might have thought proper with reference to Portugal, before Parliament had been called upon to adopt any measures for carrying Her Majesty's intentions into effect. The objection which I took to the former Bill was not one merely of form, for I opposed that measure on grounds which were essential to the existence and preservation of the authority of the Crown of England, and to the due carrying on of the public business; and I will again say that it is impossible for me, or for any of your Lordships—except two or three noble Lords on the opposite side of the House, who are admitted to Her Majesty's councils—to know what are the means at the disposal of the Government for carrying into execution those measures which Her Majesty may deem necessary to enforce the fulfilment of treaties. Much less are your Lordships able to judge of the probable consequences of those measures—of the means necessary to be employed—or whether those means which may be required are at the disposal of the Government, in case the diplomatic measures which I first mentioned should fail, in case Portugal should resist the remonstrances of England, and in case the dominions of the Crown or the commerce of the country should, in consequence, be exposed to risk or to actual injury. It is not in the power of this or of the other House of Parliament to judge correctly on matters of this description; and it rests therefore with the executive Government to adopt such measures as they may deem necessary, and of the propriety of those measures your Lordships can have no knowledge whatever. I confess that I see other reasons arising out of the enactments of the Bill before your Lordships,

which induce me to wish that Her Majesty's Government had taken their own course on the subject, rather than have left the matter to the decision of Parliament. I see, in the different clauses of this measure, reasons for believing that the framers of the Bill have not sufficiently attended to the treaties which have been contracted, and which are now in force, between Her Majesty and nearly all the powers of Europe for putting down the slave-trade. The first clause goes to this: it says,—

'Be it enacted, that in case Her Majesty should please to issue orders to her cruisers to capture Portuguese vessels engaged in the slave-trade, or vessels of any state whatever engaged in the slave-trade, not having on board, or the masters whereof shall refuse or neglect to produce, on demand, papers, showing to the subjects of what state such vessels belong, it shall be lawful for any person or persons, under any order or authority of the Lord High Admiral, or of the commissioners for executing the office of Lord High Admiral of Great Britain, or of any one of Her Majesty's Secretaries of State, to detain, seize, and capture any such vessels, and the slaves found therein, and to bring the same to adjudication in the High Court of Admiralty of England, or in any of the Vice-Admiralty Courts within Her Majesty's dominions.'

Now, I will beg your Lordships to observe what the effect of that clause will be. The Lord High Admiral can give, under his hand, authority to any one to detain, seize, and capture the vessels of any state whatever employed in the slave traffic. But let your Lordships recollect that, before they can proceed to seize and capture, they must, in the first place, detain those vessels for the purpose of examining papers; and this any one under such order is to be empowered to perform to the ships of any nation. Such are the provisions of the first clause; and now let me call your Lordships' attention to the special treaties which exist between Her Majesty and the different powers of Europe, in reference to the detaining of vessels, to boarding, and to the examination of papers. In the first place, I wish to direct your Lordships' attention to the important treaty with France, in reference to these points, and to show what the effect of this first clause will be upon the provisions of that treaty. To begin, then; the treaty with France defines the latitude within which the visitation of French vessels can be made for the examination of papers. In the next place, that treaty stipulates, not that 'any' or every person may detain and visit the vessels of France, but that the visitation shall only be made by the commander of one of Her Majesty's ships specially appointed for that purpose. The number of those com-

manders who are to have the right of visitation is limited by one of the articles of the treaty; and it is also provided that the number and names of the vessels employed shall be signified to France, as well as the names of their commanding officers. It is likewise stipulated that those officers having the right of visitation shall not be under the rank of captain or lieutenant of the royal navy of Great Britain. Such are the stipulations of the treaty into which this country has entered with France; and yet the provisions of this Bill empower any person, no matter who, if acting on the authority of the Lord High Admiral, not only to detain, for the purpose of examining papers, but to seize and capture the vessels of France, or of any other nation whatsoever. I will go no further than the question of visitation. This clause gives the power to any person to detain, to board, and to visit any ship, to whatever nation she may belong, going, or supposed to be going, upon the slave-trade; and all this your Lordships are asked to consent to, after the matter of visitation has been thus settled in the treaty with France. There is another point of great importance, in regard to that treaty, to which I wish to direct your Lordships' attention. It is required, in order to render more certain that provision which stipulates that an officer, of rank not inferior to that of a captain or lieutenant of the navy, shall be employed in this duty, and, in order that it may be known to the French Government what ship it is that he commands, that the chief officer of each vessel shall carry with him an authority, empowering him to make the visitation, and which authority it is also required that he shall produce at the first moment of boarding. But, by this Bill, no exception is made, no authority is to be required to be produced, no limitation is made as to the ships to be employed, or with regard to the officers commanding them; and your Lordships, in defiance of this treaty, are called upon to pass a measure, in which the power of visitation is to be given to anybody, and in which that power is to be extended to the ships of all nations. As I said before, I shall go no further than the question of visitation; and I will ask your Lordships whether it is possible for you to consent to the provisions of the first clause of this Bill, when you take into your consideration the stipulations of the treaty into which this country has entered with France? I would also beg to remind your Lordships that this treaty with France is substantially the same as those into which England has

entered with Spain, the Hanse Towns, Denmark, Sardinia, Naples, and almost all the other powers of Europe; and yet the flags of every one of those nations are to be exposed to the oppressive operation of the enactments of the Bill now before your Lordships. I earnestly entreat the Government not to proceed with this Bill, but rather to issue an Order in Council, or a declaration of war, or even to apply to Parliament, if necessary, to enable them to carry their measures into operation; but let them, in every case, take care, in granting this power of visitation, so to limit it as to leave no room for doubt, under which Her Majesty's intentions may be injuriously misconstrued by other nations. This is another reason why I wish that, instead of producing this Bill, which has been sent up from the other House—and which, I conclude, was framed by persons who had no perfect knowledge of the treaties that have heretofore been entered into—the Government had brought down a message from the Crown, or published a declaration of what Her Majesty's intentions were. Such a course would have been proper as regards Parliament; and the object in view might, in this way, have been effected without the difficulty and without the scandal which must inevitably attend the passing of the clause to which I have referred.

The same observations which are applicable to the first clause are applicable to all the rest. But there is one other provision of the greatest importance, on which I wish to add a few words—I allude to the fourth, or the equipment clause as it is called. That clause is the most offensive of all. It is absolutely necessary that it should be known what equipment is to be the indication of a vessel being engaged in the slave-trade; but the same objections which are applicable to the first clause are also applicable to this clause. Vessels may be seized by any one acting under the authority of the Lord High Admiral, if in the equipment of such vessels there shall be found any of the things mentioned in the clause; but in all the treaties to which I have alluded, I find specific provision made in respect to equipment, and particularly in the treaty with France, on which all the others are founded. If your Lordships look at those treaties you will find it impossible to carry the provisions of this fourth clause into effect by an Act of Parliament, without a manifest breach of your engagements with France, and without at once putting an end to all those treaties into which this country has entered on this subject. Other

nations entertain on these points strong prejudices, and are determined never to give up to England the power of visitation which was heretofore claimed by this country on the ground of possessing the sovereignty of the sea; and I cannot imagine that the French Government would ever consent to allow the vessels of England, on the authority of an Act of Parliament, to detain, seize, and capture their ships. I will entreat your Lordships to consider the situation in which you would place the country with respect to other nations by passing this Bill, which puts at defiance all treaties. I cannot think that this is a wise or politic course to pursue; and I must say that, in my opinion, the Government, instead of urging this Bill on Parliament, ought to have come down and stated what their intentions were—what they intended to do by Portugal—and then to have called on Parliament, on their own responsibility as the Ministers of the Crown, to pass such measures as they might deem necessary for carrying their intentions into effect. But there is another point in the provisions of the Bill to which I beg to call your Lordships' attention. There are some nations—one great nation in particular, the United States—with whom this country has executed no treaties for putting down the slave-trade. It is true that there are engagements made by diplomatic notes, in which the United States Government has expressed its readiness to co-operate with this country in putting the slave-trade down by declaring it piracy. Documents, however, which have lately been laid before your Lordships, show that the slave-trade is still carried on by vessels bearing the flag of the United States. If, then, there be one point more to be avoided than another, it is this very one relating to the searching for papers belonging to vessels of the United States. I allude particularly now to the correspondence which passed between the commissioners at the Havana; and I perceive that not only was no inclination shown on the part of the United States to permit this detention and visitation of vessels bearing their flag for papers, for the purpose of discovering whether or not the vessel had a right to claim the protection of another state, but, on the contrary, if we may judge from the correspondence of their consul at the Havana, the very mention that such a thing was done, although proof was offered in one case of the fact, was resented as an insult. Now, if the Government are to proceed under the authority of this Act of Parliament, even that circumstance will

not relieve them from the consequences of interfering in this manner with the rights of other nations. If Her Majesty's Government think proper to take the consequences upon themselves, I have no objection to their doing so on the responsibility of the Crown. But, for my own part, I cannot judge of the consequences that may follow; I cannot form an opinion whether it would be right or wrong to do so; nor can I form an opinion of what our means are for the purposes of carrying this step into execution, or what our means are of resisting the consequences, supposing the United States should think proper—as I think we have every reason to believe from these documents they will do—to resist the operation of the Act. This is another reason, in my opinion, for desiring that the measure should originate with Her Majesty's Government, who have all this knowledge, which we have not, and not with Parliament. But there is another view of this question, not unimportant, though, I think, it is rather a low view of it, in comparison with those to which I have already drawn your Lordships' attention. All these officers, whoever they may be, acting under the provisions of this Bill, are to be indemnified from all consequences, but the state will not be indemnified. Now, under all the treaties, indemnities are liable to be paid, and there is a positive engagement to pay a very large demurrage where it shall appear that no offence has been committed; and if so, we may be certain that no vessel of the United States will be detained even for a visitation, that may last only a few hours, for which this country may not be liable. Under all these circumstances I think that this measure is one to which your Lordships cannot with propriety agree, if you entertain that respect for the rights of other nations which it has been the uniform practice of this country to observe in its best days; and I therefore move that the Bill be read a second time this day six months.

Bill carried by 39 to 28.

The Duke of WELLINGTON (with thirteen other Peers) entered the following Protest on the Journals.

Dissentient:

1. Because the object of this Bill is to authorize an officer of the Crown to order the adoption of measures of hostility against Portugal, and other operations of war, not founded upon any public declaration of the Sovereign, or message to this House in the usual form, announcing the necessity for such measures and operations, and calling upon the House to give its legislative

assistance to enable her Majesty to carry into execution and perform the same, if such assistance should be necessary.

2. Because this House has not before it the information to enable its members to judge of the expediency and necessity for these measures and operations; of the force necessary to carry into execution and carry on the same; of the probable resistance and retaliation of Portugal and other powers, and, in that case, of the means of resistance of this country for the protection of her Majesty's dominions abroad, and of the innocent and defenceless commerce of her subjects in all parts of the world.

3. Because the constitution of this kingdom and uniform practice have been, to leave to the Sovereign, acting by the advice of her servants, the decision on all questions of peace or war; and to carry into execution such measures, and to order such operations, as the Sovereign might be advised.

4. Because the enactment by Parliament of measures and operations of war against a power of Europe is unusual and unconstitutional.

5. Because the enactments of the first clause in the Bill enable the Lord High Admiral, or any one of her Majesty's Secretaries of State, to authorize any person or persons, that is, in a privateer letter-of-marque, or otherwise, to detain, visit, demand, search for, and examine the papers of any vessels engaged, or by such persons supposed to be engaged, in the slave-trade; and in case such vessels should not have on board, or the masters thereof should refuse or neglect to produce, on demand, papers showing that they are justly entitled to claim the protection of the flag of any state or nation, to detain, seize, and capture such vessels, and this, while the existing treaty with the King of the French, for the purpose of more effectually suppressing the criminal traffic called the slave-trade, stipulates that a mutual right of search might be exercised on board the vessels of each of the two nations within certain waters; but that the right of search shall be exercised only by ships of war, whose commanders shall have the rank of captain, or at least that of lieutenant, in the Royal Navy. That the number of ships invested with this right, shall be fixed each year by special agreement. That the names of the ships and their commanders shall be communicated by each of the Governments to the other, and information given of all changes. That the ships of war authorized to exercise the reciprocal right of search shall be furnished with a special authority from each of the two Governments. That the search shall be exercised only within the waters as described, that is to say, the west coast of Africa from the tenth degree of south latitude to the fifteenth degree of north latitude, as far as the thirtieth degree of west longitude from the meridian of Paris; all round the island of Madagascar, to the extent of twenty leagues from the island; to the same distance from the islands of Cuba and Porto Rico, and from the coast of Brazil. That, whenever a merchant vessel shall have been overtaken, being liable to suspicion, the commanding officer, before he proceeds to the search, shall exhibit to the captain of the merchant vessel the special orders which confer upon him, by exception, the right to visit her. The treaty then proceeds to specify the places to which shall be sent for adjudication French merchant ships detained by her Britannic Majesty's ships, being all of them places in which the jurisdiction was to be French.

But the first and all the clauses of the Bill which enable the Lord High Admiral, or any Secretary of State, to authorize any person or persons to

detain, search, seize, and capture any vessels, require that the same shall be brought for adjudication in the High Court of Admiralty in England, or in any Vice-Admiralty Court within her Majesty's dominions.

6. Because treaties to a similar purport, if not copies of the treaties with the King of the French, have been concluded for the same purpose with the following powers and states: the King of Sweden and Norway, the King of Denmark, the Queen of Spain, the King of Sardinia, the King of the Two Sicilies, the King of the Netherlands, the Hanse Towns, and the Grand Duke of Tuscany.

7. Because the fourth section of the Bill particularly refers to the equipment of a merchant vessel which has negroes found on board shall be considered as a *primâ facie* evidence of the employment of such vessel in the transport of negroes or others for the purpose of carrying them to slavery, and requires that such vessels shall be brought to England, or elsewhere, to be adjudicated and condemned in a British court of justice, notwithstanding that the treaty with the King of the French contains a special stipulation upon this very subject of equipment, and provides that merchant vessels under French colours, detained and found to be so equipped, shall be sent for adjudication to a particular place stated, there to be adjudged by a French tribunal. The treaties with other powers contain similar stipulations.

8. Because the provisions of the Bill convey powers to the Lord High Admiral and to the Secretaries of State to give instructions to her Majesty's cruisers, and to give authority to all persons, which must occasion breaches of the stipulations of her Majesty's engagements with nearly all the powers of Europe, if exercised, as they may and probably will be.

9. Because the exercise of the powers given by the Bill to the Lord High Admiral, and to the Secretaries of State, may tend to the detention and search for papers; and the consequences of these acts on board the merchant vessels belonging to the citizens of nations or subjects of powers with which her Majesty is not engaged by any treaty for the mutual detention and search of vessels for the purpose of preventing the traffic called the slave-trade, may be that such detention and search may be resisted or retaliated, and eventually lead to other measures of war.

10. Because it is the Sovereign, with the advice of her Council, who ought to originate such measures likely to be attended by such consequences, if the honor or the interest of the country should require their adoption, and not the Houses of Parliament, whose duty it is to adopt proceedings in support of such measures, when regularly called upon by the Sovereign, by message in the usual form.

11. Because measures so unusual, and calculated to be attended by such consequences, are not necessary in order to obtain from Portugal the due execution of the treaties concluded with the Sovereigns of this country; at the same time, they are more likely than others to lead to permanent, if not interminable hostilities between the two nations.

12. Because the Bill authorizes the capture and detention of Portuguese vessels, and natives of Portugal, subjects to the Crown of Portugal, and their adjudication before a British tribunal for a breach of treaty with the Sovereign of Great Britain and Ireland, and a breach of the law of Portugal; thus assuming a right to exercise a jurisdiction at sea to punish a foreigner, by the

sentence of the courts of this country, for a breach of the municipal law of his own country.

13. Because such proceedings as are authorized by this Bill are inconsistent with the ancient and honorable policy of this country, to maintain for ourselves peace with all nations, by respecting the rights, institutions, and independence of all, and cultivating their good will by friendly relations, to promote peace between the nations of the world in general, by our good offices and exertions, particularly in favor of the weak.

WELLINGTON.	ORMOND.	CANTERBURY.
FITZGERALD.	WICKLOW.	SHAFTESBURY.
BEVERLEY.	LYNDHURST.	GLENGALL.
ROSSLYN.	REDESDALE.	DE L'ISLE & DUDLEY.
DEVON.	HAWARDEN.	

August 19, 1839.

MANCHESTER POLICE BILL.

Viscount DUNCANNON moved the second reading of this Bill.

THE DUKE OF WELLINGTON:

My Lords, I agree with the noble Viscount that the cases of Birmingham and Manchester are similar, in so far as the disputed validity of the charters is concerned, but in no other respects. Although in Birmingham there is a local police, it certainly is insufficient, insomuch that, notwithstanding it has been found necessary to send thither a large force of the metropolitan police, and a considerable body of troops, both cavalry and infantry, the peace of the town, for some reason or other, cannot be preserved. In Manchester, as in Birmingham, it is perfectly true that the legality of the charter of incorporation is questioned, and that the matter is still undecided in a court of law. But there exists in Manchester a very large police force, entirely independent of the force which has been attempted to be raised by the corporation. A very efficient force has been created, under a local Act of Parliament, for the maintenance of the peace of Manchester and the neighbouring districts, which has proved itself, in very recent instances, to be a most effective body in preserving the peace of the district, and putting down the riots which have been there attempted to be raised. Seeing what the present state of the country is, and that bodies of men are moving about, endeavoring to disturb the working classes in their occupations, and threatening the destruc-

tion of the property of their employers, I cannot but think that all these questions of police are questions of a most important character, which ought to be fully and minutely examined in detail before your Lordships decide upon them. It is perfectly true that an attempt has been made by the corporation to raise a police force, and that the police force so raised is not very efficient; and, in my mind, it probably never will be. The whole of the Bill under your Lordships' consideration depends upon the first clause, which enables Her Majesty's Government to appoint a commissioner of police at Manchester, who is to levy a rate upon what is called the borough, the limit of which rate is to be 8*d.* in the pound, and the money accruing from which is to pay not only the expenses of the police force, but the salaries of the commissioner and receiver. The total revenue to be realised by the rate will amount to 15,000*l.*; after deducting from which the salaries of these two officers, a balance of 13,800*l.* only will be disposable for the police of that great town. I now beg of your Lordships to observe that the Act of 10th Geo. IV., by which a police force was established in the metropolis, provided that, when that police should be raised, all other descriptions of police force were to be thereupon done away with, together with all rates, &c., for their support; so that this 13,800*l.* would be the total amount applicable in this case. The police, under the commissioners of police at Manchester, which has been lately found so efficient in preserving the peace of the town, will be done away with when this other police force shall be established. Let your Lordships see what that police force is. The commissioners of police, under the local Acts of Manchester, are authorised to raise a rate of 1*s.* 6*d.* in the pound for maintaining a police force, and also for the purposes of lighting, paving, and watching. That rate produces 34,000*l.* a-year. Of that sum the police receive 14,000*l.*, which is already more than will be raised under this Bill. But that is not all; they have, in addition, the sum of 4000*l.* under an Act of Geo. IV., making the amount applicable to the police of Manchester 18,000*l.* I think the noble Viscount is mistaken in supposing that the town of Manchester cannot have a police force if your Lordships do not pass the present Bill. It will continue to have its own police, and will have larger funds for the maintenance of it than those which would be provided by the measure now proposed. Under these circumstances I earnestly entreat the

House not to pass this Bill. The question is one of detail. The town of Manchester cannot have its present police and that now proposed to be established at the same time; it must have either one or the other. I earnestly recommend the House to permit the people of Manchester to keep that which they have got, and with which they are well satisfied. The whole question is peculiarly a question of detail; and I hope your Lordships will agree to my amendment, which is, that this Bill be read a second time this day three months.

Second reading agreed to.

SLAVE-TRADE SUPPRESSION BILL.

On the question that this Bill do pass,

THE DUKE OF WELLINGTON said:

My Lords, I have precisely the same objection to this Bill in its present shape which I expressed upon its second reading. I am altogether opposed to the principle of the Bill. I cannot help thinking that, before the Bill was brought to its present stage, your Lordships ought to have received some intimation of Her Majesty's intentions with reference to this subject—that you ought to have received something more than the small amount of information which has been yet afforded by the noble Earl opposite, who is the individual to whom the exercise of the authority given under this Bill will be intrusted. In pursuance of the long-established usage, your Lordships ought to have received, by way of message, a communication of Her Majesty's intentions, before you were called on to take this very serious step. I must say, that I do not think the Bill is in the least improved. It still retains its criminal character—still contemplates a breach of the law of nations—a breach of treaties that have been entered into between England and other countries. The vessels of other countries are rendered liable by the Bill to be detained, boarded, searched, and their papers examined, by cruisers and other vessels commanded by persons in Her Majesty's service. I contend that such detention, boarding, and searching—which are absolutely necessary in order to ascertain whether the suspected vessels be slavers or not—are proceedings contrary to the treaties which have been entered into between Her Majesty's Government and nearly all the powers of

Europe, and that such measures must lead to discussions of the most disagreeable nature. I will put a case, which I am convinced that no noble Lord will say might not probably occur. I will suppose a French vessel sailing in 15 degrees of north latitude, and 30 degrees of longitude, calculated from the meridian of Paris. I will suppose that this vessel is detained, boarded, and searched by one of Her Majesty's cruisers, or by one of those other vessels which are under the command of persons employed in Her Majesty's service. I ask your Lordships whether this proceeding would or would not involve a breach of the treaty between this country and the King of the French? and whether, in the case of a Spanish vessel, it would not constitute a breach of our treaty with her Catholic Majesty? The persons to whom I have alluded, as being in Her Majesty's service, and intrusted with the command of these vessels, are a very large and, I believe, a very respectable class; but they are not commissioned officers in Her Majesty's service. Nothing can be more delicate than the execution of offices of this description; and it may happen that French merchant-vessels may be searched, under the authority of this Act of Parliament, in a way to induce a violation of the treaty made with the King of the French, for the very purpose of putting down this traffic in slaves; yet your Lordships are called on to pass an Act which would give occasion to this very violation of a treaty. No doubt you must indemnify the parties engaged in these captures, and protect them from the liability of being punished in a court of justice. What I contend for is, that these men ought not to be placed in a situation which will render them liable to commit such mistakes. The Government of this country must eventually suffer from the irritation which this attempt must necessarily produce in the ports of other countries with which we are now in alliance. There is a municipal law in Portugal which the subjects of that Crown violate when they engage in the slave traffic, just as they violate the treaty with Great Britain. And yet this is the moderate course of justice of the British Parliament. Really I cannot consent to a Bill of this description. In my opinion, the foundation of the political power of this country is its moderation and its justice; and, in my opinion also, if moderation and justice be banished from the diplomacy and acts of all the other councils in the world, vessels engaged in commerce ought to find an asylum in the councils of the British Government; and if, instead of pass-

ing this Bill to put down the traffic, which most certainly is infamous, the Government had taken the more manly course of declaring that they would go to war with those powers who should refuse or neglect to perform their duties under the several treaties with this country, there can be no doubt but that, by return of post, they would learn that they had effected all the object which noble Lords opposite have in view. Looking back to the probability of the exercise of the right of search being extended to many powers with whom this country has no treaties whatever, and remembering that the greatest judge who ever presided in the Court of Admiralty held that search to be illegal in time of peace, I think your Lordships ought to be most cautious on this subject—a subject which I earnestly recommend noble Lords opposite well to consider before they proceed to pass this Bill into a law. I will not make any professions of my own anxiety to put down the slave-trade. I have passed a long life—I trust with honor—in the service of Her Majesty's predecessors. I served Her Majesty's predecessors in diplomatic situations and in their councils, as well as in arms; and I believe people cannot accuse me of saying one thing and meaning another; but thus much I will say, that on this subject of the slave-trade, there is no person, excepting one illustrious individual, under whose directions I have acted, and whose loss, whose melancholy loss, I have never ceased to deplore,—with the exception of that one individual, there is no person now living, or who is lost to the public service, who has written more than, or negotiated with one-tenth of the zeal that I myself have done on this very subject, with which I am now told I am not conversant! I shall certainly say 'Not content' to the passing of this Bill.

Bill passed.

The Duke of WELLINGTON (with seven other Peers) entered the following protest—

Dissentient:

1. Because no communication has been made to this House by message from the Queen which can render necessary, or which can alone justify this House in agreeing to the proposed enactments of this Bill.

2. Because those enactments authorize measures and operations of war against the subjects of a foreign power, Portugal, and their property, for breaches of treaty concluded between her Majesty's royal predecessors and Portugal; and for offences committed against the laws of Portugal on the high seas and on the coast of Africa; and provides that subjects of Portugal

and their property are to be brought to England or elsewhere in her Majesty's dominions, to be adjudicated by her Majesty's High Court of Admiralty, or a Court of Vice-Admiralty.

3. Because the enactments proposed in this Bill deprive those foreigners thus to be adjudicated of all national protection.

4. Because they authorize the detention at sea, the boarding, the demand, search for, and examination of, the papers of all vessels met at sea by her Majesty's cruisers, or any person in her Majesty's service, in direct violation of all the treaties made with each of nearly all the Powers of Europe, for regulating a mutual right of search by ships of war of merchant-vessels, for the suppression of the traffic called the slave-trade.

5. Because the amendments in the first clause of the Bill leave the objection to the exercise of the right of search exactly where it stood in the Bill before it was discussed and altered in Committee.

6. Because vessels sailing under the flag of any nation may be detained, boarded, searched, the demand for papers made (which must be inspected), before the illegal or predatory character of the vessel detained can be established, each of which acts of detention, boarding, demand, search for, and examination of papers, is a violation of treaty as between her Majesty and each of nearly all the Powers of Europe, as applied to vessels sailing under their flags respectively.

7. Because the exercise of such right of detention, boarding, search for, and examination of papers of vessels on the high seas, in time of peace, has been declared illegal by the highest judicial authority that ever presided over the English Court of Admiralty.

8. Because the exercise of such right is liable to be resented and retaliated by all the Powers of the world, including those with which her Majesty is bound by treaties; each authorizing restricted and regulated mutual search of merchant-vessels in certain localities, in order to suppress the traffic called the slave-trade.

WELLINGTON.	GLENGALL.	ORMONDE.
HAWARDEN.	REDESDALE.	CANTERBURY.
BEVERLEY.	FITZGERALD.	

August 20, 1839.

MANCHESTER POLICE BILL.

On the question that this Bill be committed,
Lord BROUGHAM and Viscount DUNCANNON having spoken,

THE DUKE OF WELLINGTON said:

Considering the opinion which was given by the noble and learned Lord upon the woolsack, as to the operation of the Municipal Corporation Act, yesterday evening,—considering also what the noble and learned Lord opposite (Lord Brougham) has also said on the present occasion—and feeling a great disinclination

to oppose myself to this Bill, so as to run any risk upon the subject—I am not disposed to press any further my objections to the measure, if the noble and learned Lord upon the woolsack is really of opinion that any risk would be incurred. My only wish is, to see the best possible means taken to give the security of an effective police force to the large and important town of Manchester.

Bill committed.

BOLTON POLICE BILL.

On the question that this Bill be committed,

Lord LYNDHURST condemned the conduct of the Mayor of Bolton, as being calculated to disturb the public peace.

Viscount MELBOURNE having spoken,

THE DUKE OF WELLINGTON said:

My Lords, I have passed many years in connexion with transactions of this description, and am one of those who look much to experience. When, therefore, I see that this police force at Bolton have conducted themselves most admirably, that they exerted themselves in the most effective manner for the preservation of the peace at a most critical moment, and that very lately, at a period when the disturbers of the public peace at Bolton might have said to this individual, whom the Secretary of State recommended to the situation of mayor,——

Viscount MELBOURNE: Justice of the peace, not mayor.

THE DUKE OF WELLINGTON:

Justice of the peace, I mean—(If the noble Viscount will only allow me to go on till I come to the end of my speech, he will have enough of it)—to this mayor, then, appointed a justice of the peace by Her Majesty's Secretary of State, the riotous Chartists of Bolton might have addressed themselves in the language used by the famous regicide at Paris to his judges, '*Sur le même poignard que vous, j'ai juré la mort aux tyrans.*' While such a man is appointed to administer justice in Bolton, it is not for us to consider whether it is 30 men or 200 men, constituting a police force, who shall be intrusted to his guidance. My Lords, we must put an end to this system of employing men as magistrates, for the maintenance of the peace, who have been concerned in its violation. When we shall have taken this necessary step,

we may then trust to the old constituted forms which exist in this country, and call on the people themselves to preserve the public peace, without having policemen under our noses to whatever quarter we turn. Every noble Lord who has considered this subject attentively, will see that the peace of Bolton would be preserved more effectually under the existing system than under that which is proposed by this Bill. I would humbly recommend to my noble friend opposite to postpone the consideration of this measure to a future day, in order that noble Lords may have an opportunity of applying their attention to the principle which it involves. As long as bad magistrates are appointed, and as long as these things thus complained of are permitted to go on through the country with impunity, and men are suffered to evade their duty—to take upon themselves offices which they will not faithfully fulfil, and to encourage disturbances which it is their duty to put down—no matter what number of police you may choose to appoint, the peace cannot be preserved.

Committal of Bill postponed.

August 23, 1839.

BUSINESS OF THE SESSION.

Lord LYNDHURST having called the attention of the House to the proceedings in Parliament during the Session,

Viscount MELBOURNE spoke in answer.

Lord BROUGHAM having addressed the House,

THE DUKE OF WELLINGTON said:

My Lords, I, too, have been referred to in such direct terms, that it is absolutely impossible for me to avoid saying a few words on the present debate; but I promise, on account of the lateness of the hour, not to speak at any great length. In my opinion, there could be nothing more legitimate than that my noble and learned friend behind me (Lord Lyndhurst) should have availed himself of this opportunity of reviewing the measures and questions which have been brought, during the Session, under your Lordships' consideration, or under the consideration of Parliament; or which have been mentioned in Parliament, and not brought under your Lordships' consideration, in the course of the Session. My noble and learned friend naturally commenced with those

measures which were announced in Her Majesty's Speech from the Throne, and to which she was graciously pleased to call your Lordships' attention; and it was certainly then to be inferred that, when the Government took that course—because, in fact, it was the speech of the Government—they must, at least, have taken the measures which they announced into consideration; that they must have had them at the time, if not absolutely prepared, at least in a forward state of preparation. But the noble Viscount has stated, in the course of his speech this evening, that my noble friend has brought forward this subject in order to lower the noble Viscount and his Government in public estimation; and under the notion that such was the object of my noble and learned friend, the noble Viscount went on to state that, happen what might, there was no chance of my noble and learned friend and his friends—meaning myself and others—gaining ground or favor in the public opinion, and having it again in our power to carry on the administration of the country. There is no better judge on that point than the noble Viscount; and therefore I consider that matter entirely settled now. But I can assure the noble Viscount, that all I desire—and all I have desired for some years past—is this, to see a 'Government' in the country—to see the country 'governed.' I wish I could say that I have seen it 'governed' for some years past; and I hope, now, that the noble Viscount will turn over a new leaf, and 'govern' the country a little better than he has done heretofore. I may tell the noble Viscount that I have had some little experience in these matters myself; and I humbly suggest to the noble Viscount that, before he announces measures to Parliament through the Speech from the Throne, in future, he should first take care that those measures have been already properly considered; and that, before he inserts them in Her Majesty's Speech, he should have them ready prepared, or in such a state of preparation as to be able to introduce them to Parliament immediately after the delivery of the Speech from the Throne. If he do thus, the measures, in all probability, will be in such a state that they will be passed, or, at all events, they will not be scrambled for among partisans and factions in Parliament: they will then, most likely, be considered by men who, I conclude, from their official station, must be capable of deciding upon them: they will be their measures, and not the measures of factions and parties; or, at least, they will not be

measures presented to Parliament in such a state as that they ought not to pass. But I have desired to see a 'Government' in the country, for many other reasons besides those which are referable to the state and manner in which measures have been brought forward, after having been announced to Parliament in the Speech from the Throne. I desire to have a 'Government' in this country, because I am anxious to see our colonies settled and governed —because I wish to see the interior of the country settled and governed as it ought to be governed—and because I desire to see all our establishments fixed and protected in that form and state in which they are to remain.

The noble Viscount has been pleased to advert to my conduct with respect to Canada, and to the opinions which I have given upon that question. The noble Viscount has frequently spoken of those opinions having weight and authority, as coming from me; but, if so, I would ask the noble Viscount whether it would not be better for him to act upon those opinions than to complain of them? From the first day that the question of Canada was mentioned, up to the present moment, I have never altered my opinion on the subject; and, without hesitation, I have expressed that opinion, both in public and in private, whenever such an opinion was required from me. With regard, therefore, to my conduct on this question, to which the noble Viscount has been pleased to allude, I have to observe that, on the measures relating to Canada, I have, on two occasions in this House, declared what were my views; and, if I am not greatly mistaken, I even supported the Bill of the noble Viscount in reference to the government of Canada. Not only did I concur in the principle of that Bill, but I supported the details of the Bill also; and I withdrew, with the noble Viscount, to vote in favor of the measure. Such is the course which I have pursued on this matter of Canada; and I therefore cannot understand what ground the noble Viscount has for complaining of my conduct. As to what took place in the last Session, I also supported the Government in the course which they adopted with respect to the affairs of Canada. But here I must beg the noble Viscount's pardon, for I did not turn my back upon him, as he has stated, but it was the noble Viscount and his colleagues who 'turned their backs upon themselves!' What I complained of was, that when the noble Viscount had prepared, and Parliament had passed, an Act giving certain authority and

powers to the noble Earl who was sent out as Governor-General to Canada, the Government did not take proper or sufficient care that that noble Earl should carry into execution the provisions of the Act in the way intended by Parliament. I should have been unjust to Parliament had I said that it was the intention of the noble Viscount, or of Parliament, that the noble Earl who had been sent out to Canada should compose his Legislative Council out of his own secretaries and officers. That was not the meaning of the Act of Parliament, yet such was the course pursued; and it was of this that I complained. That Council was so formed in consequence of the neglect of the Government here in not sending out proper instructions, and I stated that opinion to your Lordships; but no imputation was cast upon me for doing so at the time; and as to the discussions which have taken place in this House with reference to this subject, the Government have to blame themselves for not having taken care that the Legislative Council should be properly composed. I must say, I do not think I have been well treated by the noble Earl, the Governor-General in Canada, as to what has passed in this House, as if I were responsible for what has occurred. I am not responsible, my Lords, in any degree. I was satisfied with the measures of the Government; and whatever I may have thought of the formation of the Council, I never brought that subject forward in this House, because I always entertained a strong disinclination to any sort of proceeding which might appear personal, and I am always unwilling to raise a dispute upon matters that are by-gone. Nor should I now have said a syllable upon this subject if the noble Viscount had not been pleased to blame the line of conduct which I felt it my duty in this matter to pursue.

The noble Viscount has also thought fit to allude to my conduct on the question of Jamaica. Now, with respect to Jamaica, I must observe that I am not aware that I ever said anything, or that I ever took any course, except what I considered incumbent upon me in the discharge of my duty, in order to guard and to protect the authority of the House of Assembly. In the debate on the second reading of the Jamaica Bill I stated to your Lordships that, in my opinion, it was absolutely necessary to maintain the authority of the House of Assembly of Jamaica, and of all the other islands, if it was intended to uphold the dominion of the British Crown in those colonies. I stated also that I considered

it incumbent upon Parliament to maintain and support the white population, the laws of the colony, and the secure possession of property. But, my Lords, what I would finally say is this,—I am most desirous that the Government, when they take upon themselves really to govern the country, which I trust they will now endeavor to do, should establish a real and effective Government in each of those islands, and that those Governments should be constituted according to the forms of the constitution and the laws of the country. I desire to see a Government established in each of those islands which shall really carry into execution the laws of the British Government, giving full protection and security to life and property, and watching over and supporting the rights of each and every individual. We have sacrificed 20,000,000*l.* of money to terminate slavery in the British colonies, and we are now calling upon other nations—upon the United States, upon Spain, upon the Brazils, and upon various powers which possess slaves—to imitate and to follow our example; but what have we done to secure the co-operation of those countries in the great object that we have in view? We have offered no inducement to those nations to imitate our example by the establishment of order and of good government in our West Indian colonies; for nowhere have we properly or adequately availed ourselves of those advantages which we have, or of those advantages which we might procure, to give security to life and property in those islands, and to maintain peace and tranquillity among their inhabitants. The communities in the West Indies are all small societies; and there is not a man in any one of them—not in Jamaica, even, which is the largest of them—who is not within the reach of authority. The Government of each of those islands is strong in the means of exercising authority, strong in garrisons, strong in troops, strong in a police force, and in everything necessary for the protection of life and property, for carrying the laws into execution, and for affording security to every individual, even to the very lowest of the people. But yet I will venture to say that, since the enactment of the law for the emancipation of the slaves, there have been and are no societies in the whole world in such a state of disorganisation, disorder, and anarchy as are those very West Indian islands of ours, but which, if they were well managed and governed by the noble Lord nominally at the head of the Colonial Department, instead of by the different factions that resort thither

to interfere with the business of that Government, ought, and are calculated, to be of the greatest advantage to this nation. There are no societies in the world more capable of being well governed than those islands are, if the noble Lord opposite would only perform his duty in an independent manner, and keep all factions at a distance, instead of allowing every faction in this country to interfere, on all occasions, with the business of the Government in relation to those colonies. But this is not all. Let your Lordships look round in all directions, and you will see the same lamentable state of things existing. Look at Lower Canada, look at Upper Canada, at Newfoundland, look where you will, you will see nothing but disorder and anarchy, and resulting from what? From nothing but the interference of factions in England, who, let your Lordships recollect, have nothing to do with those colonies. These disorders result solely from the interference of those factions in the affairs of each of those colonies; and till the Government shall put an end to such interference, and act altogether independently of it, it is impossible to hope for a restoration of tranquillity. The noble Viscount has been pleased to complain of my conduct with respect to Portugal. Now, as to the conduct of Portugal with reference to the slave-trade, I have, on two occasions in this House, stated the reasons for the votes which I gave on the measure that was proposed by the Government for the consideration of Parliament. I voted against the first Bill, which your Lordships rejected; and I voted, in a small minority, against the second reading of the second Bill; and on the third reading there was no division. If, then, as the noble Viscount is pleased to say, I am so great an authority on this question, why did not the noble Viscount follow the advice which I gave him? or, if the noble Viscount thought the course which I recommended was wrong, why did he not answer the arguments which I advanced, and show the folly of the course I had advised the Government to pursue? My arguments remain unanswered, for neither the noble Viscount nor any of his colleagues have thought fit to make any reply to them. And, indeed, those arguments could not be answered, for they were founded upon the treaties of this with other nations, and upon the justice and the policy of the case; therefore neither the noble Viscount nor any of his friends could give me any answer. I quoted the treaties—I laid them before your Lordships—and no answer was attempted; so that, upon this subject, I have no

apology to offer to the noble Viscount. I pursued the course which I considered to be just. I acted the part of an independent man; and, without meaning any disrespect to the noble Viscount, I pointed out to the Government a mode by which they might have secured their object, and by which the objections I then stated might have been obviated, and their end attained, by return of post; and I entreated the noble Viscount to adopt that mode, instead of pursuing a course which, I believe, will be attended with more difficulties than the noble Viscount seems to be aware of. Now, my Lords, I do not think it is necessary for me to go further into this subject, as I apprehend I have said enough to show that the Government is not exactly what a Government in full strength and force ought to be; and that there are sufficient grounds, with reference to their colonial and foreign policy, resulting from the state of the Government, for us to come to the conclusion that the present Ministers are not equal to the performance of those important duties which have devolved upon them.

I shall only go one step further, and make a few observations upon a subject which was adverted to by my noble and learned friend who commenced this debate, in order to show that there is something in the state of things—some little impediment to the transaction of the business brought forward by the Government—besides the opposition of the House of Lords to the measures of Her Majesty's Ministers. I will advert to what the noble Viscount has said on this subject presently; but I would first entreat your Lordships to look to the history of the Irish Bank Bill. Here was a question in which the honor, the engagements, and even the credit, of the Government were involved. The Chancellor of the Exchequer—the right honorable gentleman who is at the head of the finance department of the Government—very properly announced his determination to carry this Bill through, in the state in which he had brought it into the House. He appeared to think that this was to be done in the face of an honorable opposition to a measure, in the success of which the credit and engagements of the Government were materially involved. Instead, however, of being able to carry his Bill for continuing the Bank of Ireland charter for four years, as was proposed—and as I believe any other Chancellor of the Exchequer would have been—the right honorable gentleman was obliged to put up with a Bill for one year; and this, in consequence of some new stipulations with regard to

banking in Ireland, which, after all, should not be allowed to exert an influence, and, above all, should not be allowed to exert such an influence with the Government at this time. I do not wish, at this hour, to enter further upon this subject; but there are one or two other points to which I must shortly advert before I sit down. If your Lordships would turn your attention to the state of our finances, to which two noble friends of mine adverted a few nights ago, you would find that, notwithstanding there is a large deficiency of the revenue to pay the ordinary expenses of the country, there is to be a still further reduction made in it, and for the replacing of which no new source of revenue has yet been obtained from Parliament. In addition to this, the Government have also funded a large amount of Exchequer bills; and, in doing so, they have pursued a course not at all in conformity with that which has almost uniformly been adopted on similar occasions; for in funding these Exchequer bills, they have made no provision for any additional fund to pay the interest of the increased debt. This is a proof that these important matters are not in that condition which they ought to be in, and that they are not conducted in the manner in which such affairs should be conducted. These matters should always be well considered beforehand, and should be brought forward at a proper time, so that they may be properly considered, and have the support of those who will support them, if they be sound measures, and be brought forward at a proper period, and not introduced for the purpose of being discussed at the latter end of the month of August.

Then, my Lords, the noble Viscount has been pleased to attribute the disturbances in the country at the present moment to the opposition which, he says, has been given by your Lordships to the measures brought forward for the redress of grievances. Now, I did not like to interrupt the noble Viscount when he was addressing your Lordships; but I certainly felt much disposed to call upon the noble Viscount to name what the measures were to which he so alluded. I have been trying, ever since the noble Viscount spoke, to recollect what those measures could be; and I declare that, with respect to England particularly, I do not know of a single measure which has been discussed in this House, and rejected by your Lordships, that could, with any degree of propriety, be called a measure for the redress of the grievances of the people. If there be such measures, let the noble Viscount bring them for-

ward again next Session, and I am sure they will receive from your Lordships every attention. But, my Lords, I have taken another view of the cause of the disturbances which now exist in the country. I think they have arisen from a very peculiar state of circumstances; and I will venture to submit them to the noble Viscount, in answer to that part of his speech in which he was kind enough to attribute those disturbances to the House of Lords. I believe that they have originated in the unnoticed and unpunished combinations which have been allowed by the Government, during so many years, to exist—whether as political unions, or as trades unions, or as other combinations, clearly illegal combinations—amongst workmen, to force others to abandon their work, who work at prices different from those at which they are content to be employed, and at which they have agreed to work for their employers. These combinations have gone so far in some parts of the country,—and more particularly in the north of England, and, indeed, throughout almost the whole of the northern part of the island,—as to threaten destruction to the trade and credit of the manufacturers; and at last they have arrived at that pitch, and have spread to that extent, that the country is brought to the situation in which we see it at the present moment. For, after all, what are these Chartists that are found marching about the country, and engaged in the disturbances that prevail? I have inquired a great deal into the subject, and the result is, that I believe they are nothing more nor less than persons combined together for the purpose of driving other workmen—engaged, whether in manufactures, in the collieries, or agricultural pursuits, or in other districts—from their work; and for the purpose of destroying the machinery and the buildings, and of interfering with the capital of the employers, thus striking at the very root of employment, and at the chief means of the sustenance of the people—striking at the foundation of the manufactures and the commerce of the country, and of all its prosperity. This is my sincere belief; and all this, I say, is owing to the want of early notice of the proceedings of those combinations by the Government, to their not having carried the laws into execution, to their having left free from punishment those who have been submitted to trial, and to their unfortunate selection of magistrates—more particularly of borough magistrates—and, above all, of the magistrates of the new reformed corporations of Birmingham, Manchester, Bolton, and other towns. The Government

may rely on it that, until they adopt different measures, they will not induee Parliament to look with favor on their proceedings. The Government first reduced all the military establishments. Those military establishments are not, even now, nearly up to their proper footing; and I am firmly convinced that, in the disturbed districts, there is not one half the establishment equal to the ordinary establishment maintained in time of peace. This circumstance, and the want of a due execution of the law upon those who are tried, convicted, and sentenced to punishment, and also the fact that those who have been appointed to carry into execution the law are persons connected by habit, by association, and even by excitement, with those very Chartists who have violated the law, suggest the true causes of these disturbances, and not the nameless grievances created by a nameless opposition in this House to nameless measures, as alleged by the noble Viscount. I have thought it my duty to state thus much to your Lordships on this subject. I must apologise for having detained you so long; but I felt that I could not say less in support of what has been stated by my noble and learned friend.

[THIRD SESSION OF THE THIRTEENTH IMPERIAL PARLIAMENT. THIRD VICTORIA.]

January 16, 1840.

ADDRESS TO THE CROWN.

The Duke of SOMERSET having moved, and Lord SEAFORD having seconded, the Address in answer to the Speech from the Throne,

THE DUKE OF WELLINGTON said:

My Lords, there is no noble Lord in this House who concurs more sincerely than I do in the expression of congratulation to Her Majesty upon her approaching marriage, which she has been pleased to announce a second time to the public from the throne this day. I sincerely wish, with the noble mover and seconder of the Address, that this event may tend to the happiness and comfort of the Queen. Upon this occasion I should have been contented with the Address, and should have offered not another word, if your Lordships had not been called upon in the Speech

from the throne to concur with the other House of Parliament in making a suitable provision for the Prince, for whose future station in this country Her Majesty's Speech has prepared us. But, my Lords, it appears to me that, when this House is called upon to express an opinion upon a detail of this description, the House ought to look into, and act upon, this subject. It ought not to be a mere congratulation. I conceive that the public have a right to know something beyond the mere name of the Prince whom Her Majesty is about to espouse. My Lords, I had the honor of being summoned to attend Her Majesty in Privy Council, when Her Majesty in Council was graciously pleased to declare her intention of becoming the espoused of this Prince. I observed that the precedent of the reign of George III. was followed in all respects except one, and that was the declaration that this Prince was a Protestant. My Lords, I, for one, entertain no doubt that the Prince is a Protestant. I believe he is a Protestant. I know he is of a Protestant family. I have the honor of being known to some members of that family, and I am sure that it is a Protestant family. But, my Lords, this is a Protestant state, and it is absolutely necessary, by law, that the person who shall become the spouse of the Queen be a Protestant; and, if the precedent of George III. has been taken in part, it ought to have been followed throughout; and then the public would have had the satisfaction of knowing that the fact of the Prince being a Protestant had been officially declared by Her Majesty's Government. My Lords, I know the noble Lords opposite too well to suppose that they are not aware of the anxiety in the public mind on this subject; and I know also, that they had it in their power to relieve that anxiety, and to gratify the public by making this declaration; nay, more, my Lords, I am convinced that there exists the same anxiety in the royal mind about the Protestant character of the state as is felt by me or any of your Lordships. And if so, my Lords, I ask, why was the precedent of George III. departed from? Is there any doubt as to the religious sentiments of this Prince? None at all. There can be no doubt that he is a Protestant; he cannot be otherwise. Then, why is it not so stated? We have heard something of this marriage from another part of the country; we have seen some proceedings on this subject since the declaration in council, which show pretty clearly why the word 'Protestant' was omitted. My Lords, I confess that I am one of those who read with great attention all

that passes in Ireland—all those speeches which come from that quarter; and I do it for this reason: I have been accustomed to that kind of revolutionary discussions. It has been said by an eminent French writer, *en plein jour, on ne conspire pas;* but that is not so now. The object proposed is terror. These things are declared openly. This I can see from what appears in the public prints, as I read these public letters and missives in order to see what the real danger is, and that I may not be taken by surprise. Now, what I mean to say is this,—that I see in what has passed elsewhere a very suspicious reason why the word 'Protestant' was not inserted in the communication made to the Privy Council, and why it has not been inserted in the Speech from the throne. I say to the noble Lords opposite that I believe they are as much determined as I am myself to maintain the Protestant ascendancy of the state. I think, then, if this be the case, that upon the first occasion when this question comes before your Lordships, and when the House of Lords shall be called upon to do any act, or to make any declaration upon the subject, beyond the mere congratulation of the Queen, your Lordships should take that course which may procure the country the satisfaction of knowing that Prince Albert is a Protestant prince, and that this is still a Protestant state. My Lords, I was the person who came forward on the other (the Ministerial) side of the House to propose the removal of the Corporation and Test Acts, and also the Act affecting Roman Catholics, with a view to admit Protestant Dissenters and Roman Catholics to all the privileges of the Constitution, and to become part of this Protestant state. But, my Lords, I never intended, your Lordships never intended, the noble Lords opposite (every one of whom, I believe, supported those measures) never intended otherwise than that this should be, and should continue to be, a Protestant state. However, on the basis of that measure, as I understand it is said, other measures have been brought forward in Parliament which have very materially altered the relative circumstances of the two classes into which the people of this country are divided. But this I may safely repeat, that those noble Lords who brought forward and supported those other measures never intended that this should be any other than a Protestant country, or that by those acts the Protestant religion should be in any way prejudiced. This I must do them the justice to believe. I entreat then the House of Lords not to omit this, the first oppor-

tunity on which they are called upon to express anything beyond mere congratulation, to insert such terms in their Address in reply to the Speech from the throne as shall suffice to remove from the public mind all doubts on this most important subject. In passing the Catholic Relief Bill, and after having provided for the security of this Protestant state, your Lordships were willing to admit into it—notwithstanding all the objections that were strongly urged on the ground of former precedents and ancient laws, orders in council, declarations, oaths, and what not—you were prepared to, and did actually admit all those persons who were the objects of that Bill, to the full enjoyment, benefits, and advantages of this Protestant state, on the ground of those oaths and other securities which you then provided for the safety of the state hereafter. I must, then, entreat your Lordships to satisfy the public mind on this important subject, and to declare most clearly that this Prince is not only of a Protestant family, but is himself a Protestant. On a former occasion of a marriage of a sovereign on the throne,—I mean the occasion of the marriage of George III. with a princess of the house of Mecklenburg—in the Address of the House of Commons to George III., an amendment of the word 'Protestant,' in addition to the name of the Princess Charlotte, was moved, and was inserted, and the Address was presented to the Throne in that state. The amendment was not made in the Lords' Address, but it was made in the Address of the Commons. This is the chief topic in this Address which I will notice at present, although there are other parts of it to which, under other circumstances, I should have felt it my duty to call your Lordships' attention; but on this occasion my anxious desire is, that your Lordships should come to a unanimous vote on the Address. I will therefore merely move that, in the second line of the first paragraph, before the word 'Prince,' the word 'Protestant' be inserted.

Address, as amended, agreed to.

January 24, 1840.

SOCIALISM.—MR. OWEN.

The Bishop of EXETER called the attention of the House to the progress made by Socialism in consequence of the exertions of Mr. Owen.

After some discussion,

THE DUKE OF WELLINGTON said:

I feel bound to return my thanks to the right reverend Prelate, for having drawn the attention of the House, with so much ability, to the system which has formed the subject of our consideration this evening. That system, I fear, prevails to a much greater extent than noble Lords at all suppose, and certainly to a much greater extent than I had myself imagined before I heard the speech of the right reverend Prelate. I had expected to hear that, in some parts of the country, the evil prevailed to a serious degree; but I was not prepared to learn that in the rural districts its progress had proved so alarming. For these reasons, my Lords, I rejoice to find that the motion of the right reverend Prelate has drawn from all parts of the House a declaration expressive of the disapprobation with which your Lordships regard the doctrines and opinions which Mr. Owen and his disciples labor to propagate. I quite agree with the noble Viscount opposite, that it is an extremely difficult matter to determine in what way such a system should be dealt with. It is no easy matter to say how it should be met; but under all circumstances, I think the thanks of the country are due to the right reverend Prelate for having proved so clearly that the societies called into existence by Mr. Owen are illegal associations. At the same time it may be doubtful whether it would be possible or expedient for Her Majesty's Government to prosecute the members of those associations under the Acts of Parliament to which the right reverend Prelate has adverted; but some measure short of directly proceeding against such a system might be adopted. Without actually resorting to prosecutions, the Queen's Government might mark its sense of the atrocious objects which these associations pursue. Facts have this night been stated which show beyond a shadow of doubt that some measures in reference to Mr. Owen's associations,—some notice of them,—ought to be taken by the executive authority of this country, and mainly on account of the errors into which it is obvious the magistrates themselves have fallen. It appears that, in a large manufacturing town, they have committed themselves by a course of conduct in which the opponents of Socialism have not had fair play. Those who are disposed to uphold the institutions of the country by argument and reasoning were denied opportunities of meeting the members of these illegal associations. Certain magistrates have granted the Guildhall of a

large manufacturing town for the meeting of one party, and refused it to the other; they refused a similar permission to persons employed by the clergy and members of the established Church to defend its doctrines and principles. The right reverend Prelate has also stated very serious cases in which attempts were made to decoy persons from attending divine service, and to induce them to visit dances and other entertainments of that nature; but if attention had been drawn by the Secretary of State to the subject, that fact would have warned magistrates of the illegal and atrocious character of such associations. That course would have been legal and constitutional, and not 'an unusual practice for Government to pursue.' It would, I think, now be desirable that some such measure should be taken. With these observations I shall, at present, content myself. I do not desire to carry the discussion farther; the more especially as the noble Viscount has acknowledged that he committed an indiscretion which might as well have been avoided. This House may not, perhaps, be the proper place for discussing matters of court etiquette; but I believe the rule is, that no gentleman should present another unless acquainted with him. Now, it appears that the noble Viscount was not only not acquainted with Mr. Owen's doctrines, but did not even know his person.

Viscount MELBOURNE: Oh, yes; I was acquainted with his person.

THE DUKE OF WELLINGTON:

I was not aware, my Lords, that the noble Viscount had ever seen Mr. Owen. This misfortune, however, having occurred during the existence of these societies, it becomes still more desirable that Government should, in some form or other, indicate its disapprobation of the objects which they propose to themselves, and the means by which they seek to accomplish those objects.

On a subsequent occasion (February 4, 1840), the same subject recurring,

THE DUKE OF WELLINGTON said:

My Lords, although this system of Socialism appears to be so notorious, I confess that I was not acquainted with it, except by name, until very recently. My attention was first directed to these Socialists by a petition which was sent to me to present to your Lordships' House, having reference to the presentation of Mr. Owen at Court by the noble Viscount at the head of the Govern-

ment. I declined to present that petition, for this reason—that, although I had heard of the existence of Socialism at that time, yet, not knowing anything of the doctrines of that sect, I did not choose to embark in the support of allegations or the discussion of a subject of which I had no knowledge. Having intimated this to the petitioner, I received a communication in reply, containing a full statement of what Socialism was; and by this means I obtained a knowledge of the system. I also saw some of the books which are published by the society, and thus became aware of the doctrines they advanced. And from the information thus acquired, I must say that the right reverend Prelate has not given an exaggerated account of those doctrines, or of the viciousness of the system. It appears that this system has spread itself over a great part of the country, and, upon inquiry, I find that it has taken root rather extensively in the county in which I reside. I find that in Hampshire, or on the borders of the two counties, Wiltshire and Hampshire, there is a large institution for the propagation of Socialist principles, spreading over no less than 500 acres of land, which this society have purchased for their purposes. In reference to that institution, I have this day presented a petition to your Lordships, containing statements as to the doctrines of this society, —regarding religion—the Holy Scriptures—God Almighty—and all the great points of our belief,—which statements, in my estimation, demand the most serious inquiry. When I read that petition, which I did the moment it was placed in my hands, I felt to be my duty, as the lord-lieutenant of the county, to call the attention of the magistracy to the facts which it set forth. That I considered to be my duty; and I say also, that the House of Lords, now the facts have been brought before them, have a duty to perform to the country on this question. These doctrines of Socialism are rapidly gaining strength—are spreading themselves throughout the country. They have now got beyond that point at which your Lordships might say, 'We will take no steps in the matter—the system is absurd, and will fall to pieces of itself;'—I say, my Lords, we have got beyond that point; and the people should be made to understand and know that the Legislature and the Government look on those institutions only with disfavor, and are determined to discountenance them. And they should also be made to know, that whenever, in the promulgation of the doctrines of this society, there shall be a breach of the law committed, it

will be treated as such, and punished as such. I say, then, that it is incumbent upon your Lordships to take such steps as will satisfy the country that your attention has been directed to the subject, with a view to remove the evil and insure tranquillity. If the Government allow the motion to pass, and will take the subject into their own hands, and inquire into it through the magistracy, or by any other means, I for one am willing to leave the matter with them upon that condition, merely adding that I shall be happy to afford them every assistance in my power in carrying out their inquiry, and enabling them to annihilate this mischievous and demoralising system.

February 4, 1840.

THANKS TO THE ARMY OF THE INDUS.

Viscount MELBOURNE moved the thanks of the House of Lords to the army of the Indus.

THE DUKE OF WELLINGTON said:

My Lords, considering the relation in which I have stood throughout a great part of my life towards those officers and a great part of those troops who have now been thought deserving of your Lordships' approbation, I trust your Lordships will forgive me for the presumption of offering myself, at this early period of the discussion, to your attention. My Lords, I cannot sufficiently express my approbation of the prudence and discretion of the noble Viscount in the address which he has just made in bringing forward this motion. My Lords, it is perfectly true that this House has had for some time under its consideration the papers likely to give its Members a knowledge of the practical arrangements which have occasioned and rendered necessary this war, and which have been carried into execution by its completion. But there may be, as doubtless there are, throughout the country, different opinions on the policy of these arrangements; and it is not desirable, on an occasion on which this House may deem it proper to state their approbation of the manner in which particular services have been performed, to be called on to deliver an opinion on the policy which rendered necessary the adoption of those measures which resulted from it. It is fit that the House

should consider that policy on some future occasion; but, my Lords, let us lay aside on this occasion all reference to that policy, and consider nothing but that which, I must say, is sufficient for this occasion—the military measures themselves, and the manner in which the views of the Government have been given effect to by the officers and privates of the army in India. My Lords, having been for a great part of my life selected to carry into execution, under superior authority, measures of this description, no man can be more capable of judging from experience of the merits of Governments in planning and carrying into operation such measures; and I should be the last man to doubt, at any time, the expediency of this or the other House expressing its approbation of the conduct of the political servants of the Crown in planning and working out all arrangements preparatory to carrying into execution great military operations. My Lords, it has happened to me, by accident, that I had some knowledge of the arrangements made for the execution of this great military enterprise; and I must say, that I have never known an occasion on which the duty of a Government was performed on a larger scale,—on which a more adequate provision was made for all contingencies that could occur,—and for all the various events which could, and which did in fact occur during this campaign. My Lords, it would be presumptuous in me to say more on this subject, having, I repeat, been made acquainted only by accident with the arrangements made preparatory to the campaign now brought under your Lordships' attention. With respect to the military services performed, I can say nothing beyond, nor more deserving of the officers and troops, than what has been stated by the Governor-General in his despatch. My Lords, I am well acquainted with the officers who have directed and performed these services; and I must say that there are no men in the service who deserve a higher degree of approbation for the manner in which, on all occasions, they have discharged their duty; and that, in no instance that I have ever heard of, have such services been performed in a manner better calculated to deserve and secure the approbation of your Lordships and of the country. I shall say no more than that I have great satisfaction in adding my voice to that of the noble Viscount in approbation of the services performed by the army in India.

February 6, 1840.

STATE OF THE NAVY.

Lord COLCHESTER, in moving for documents exhibiting the then state of our navy, dwelt upon what he considered to be its imperfections, and the defenceless condition of our shores.

The Earl of MINTO, the Earl of HARDWICKE, and Viscount MELBOURNE having spoken,

THE DUKE OF WELLINGTON said:

I should not have adverted to this subject on the present occasion, if it had not been for some remarks that have fallen from the noble Earl at the head of the Admiralty, and from the noble Viscount opposite. The noble Earl said, truly, that the proper time for adverting to this subject,—in order to ascertain whether the fleet of this country is equal to the services required of it,—would be after the papers which are now called for shall have been laid on the table of the House. But, I must say, the subject-matter of these papers is not the only question which comes before your Lordships in a discussion of this description. It is proper that your Lordships should look a little at the state of the services which have been required of the navy for the three or four last years, and see how those services have been performed. This is the real question to be considered; and it is an answer, in a great degree, not only to the observations of the noble Earl, but to those of the noble Viscount also. The noble Viscount has thought proper to refer to what fell from my noble friend (the Earl of Hardwicke), and to draw your Lordships' attention to the state of Europe and of the world during the years 1827, 1828, 1829, and 1830. Now, my Lords, I have always understood that the navy, in those years, was fully equal to the performance of all the services required of it. I never heard of any want of naval assistance or naval services, in any part of the world, during that period. I never heard that the navy, then, was smaller or less efficient than it ought to be;—indeed, so efficient was it, that I believe the first thing which the noble Lords who succeeded to the Government in 1830 did, was to make a very large reduction in that branch of the public service. Therefore, that the noble Viscount should compare the state of things as existing in the years 1827, 1828, 1829, 1830, with the state of things as they are now, or as they have been for the last two or three years, does appear to me,

begging the Noble Lord's pardon, to be one of the most ridiculous arguments that I ever heard in your Lordships' House. I am not aware that there were any apprehensions of war in the years 1828 or 1829. The fleets of the three principal maritime powers of Europe were, at that time, co-operating together in the Mediterranean; and I never heard at that time that there was the smallest notion of our going to war, or that the fleet of this country was not sufficient for all the services which could be required of it. But the state of things for the last three or four years has been entirely different. In the month of December, 1837, the noble Lord opposite came down with a message from the Crown to inform Parliament of the revolt of an important portion of Her Majesty's dominions in North America. I took the liberty of giving a little advice to the noble Viscount at that time. I advised and I entreated the noble Viscount not to consider the war he was then engaging in as 'a little war.' I recommended to the noble Viscount to form his fleets and armies on such a scale as should enable him to carry on that war in a manner worthy of this great country, and at the same time enable him to perform the peace services in an efficient and proper manner;—that is to say, the protecting the commerce of Her Majesty's subjects, the preventing insults from being offered to Her Majesty's flag, and the preserving of British subjects from the consequences of illegally and improperly established blockades; and, in short, that he should be able to perform all those services which the Government of 1827, 1828, 1829, and 1830, performed at that very time when the noble Viscount supposes we were threatened with war; and performed without either complaint, reproach, misfortune, disaster, or disgrace. First of all, I say that the service was neglected in North America, and that at this moment—that is to say, more than three years after the period when that revolt was first announced to your Lordships—the noble Viscount is not any nearer to the settlement of the affair, as far as military means are concerned, than he was three months after it commenced; except, indeed, as to what has been done by the gallant officer who is now my noble friend. Now the cause of all this is, that the noble Viscount neglected to provide sufficient means, first, to enable him to settle that affair in the way in which this country ought to have settled it; and next, to provide the means, or call upon Parliament to provide the means, for enabling the fleet and the army to perform the peace services

of the country which it was their duty to perform. The proof of this is, that the Government have been obliged to call away ships to perform those services from the Gulf of Mexico, notwithstanding the necessity of attending to Buenos Ayres, and the necessity of attending to other parts of the world; at the same time that they ought to have had large fleets and armies on the coast of North America, in order not only by military force to put down the revolt in Her Majesty's dominions, but to give by those means that political and moral support to the governors and officers employed in those colonies, and to those who were engaged in political services in other places, which all, in such situations, ought to have given them in every part of Her Majesty's dominions. I say that if we had had in 1837 and 1838 such a fleet and army as we ought to have had, the conflict, which has lasted up to this moment,—up to February, 1840, three years since the commencement of the affair,—would have been long since settled, and we should not have had this danger impending over us. But, my Lords, is this all? At the same time that we were at war in North America, we were at war in central Asia; and more particularly, we were carrying on a maritime war,—we were at war in the Persian Gulf. I shall not go into any political matter, but the admiral of the Indian station was himself in the Persian Gulf, with the greater part of his squadron, carrying on operations, at the very moment that those affairs were in discussion in China which ended in that outrage and disgrace upon this country, which occurred, I believe, in March last. The admiral, when that happened, was engaged in the Persian Gulf, instead of being, as he ought to have been, in the Canton river. Your Lordships have at this time under consideration the accounts of the transactions which took place in the Canton river up to September, or October, or November, I do not recollect which; that is to say, your Lordships have the accounts up to seven months after these events occurred, which were known in this country in July or August, and yet still there is in the Canton river only one frigate, which is unable to do anything; and even since the arrival of that frigate another disgrace and disaster has been sustained by Her Majesty's superintendent there, who, having ordered and commenced a blockade, has been obliged to abandon it. And this is what the noble Viscount calls the due performance of the peace services of the country! It must have been perfectly well known to the noble

Lord, and perfectly well known to Her Majesty's superintendent at Canton, long before March last, that this opium question was hanging over them, and must come to a decision; the superintendent must have given notice of this to the authorities of India, and among others to the admiral of the station; and I must say that, if the admiral did receive such a notice, he ought to have gone to Canton, and suspended his operations in the Persian Gulf. Now, the noble Earl at the head of the Admiralty must know that a fleet cannot go in a few days to the Canton river from the Persian Gulf.

Viscount MELBOURNE: That is our case.

THE DUKE OF WELLINGTON:

The Government ought to have provided such a squadron in Asia as would have enabled them to perform the peace services which Her Majesty's subjects might have occasion to demand from them, not only there, but in other parts of the Indian command. But no such thing was done; the Government had not the means of doing this; they had not called upon Parliament to provide such means; and therefore it is that we have suffered this disgrace and this loss—that we have suffered, I may say, the still further loss in the consequences of this serious misfortune and disgrace that have fallen upon us in the Canton river. This is the result of a great nation carrying on 'a little war.' Supposing the war into which they have entered to be a little war, the Government have endeavored to put an end to it with insufficient means, not reflecting that this is a great nation, having great concerns,—having concerns pervading the whole of the inhabited globe; for every part of the inhabited globe is visited, at some time or other, by the subjects of Her Majesty,—that we have interests there requiring protection,—that questions must arise everywhere;—and that we must not forget, when we get into such difficulties as the war in Central Asia, in Canada, and North America,—that, in fact, we must expect—questions to arise everywhere, and that we ought to be prepared, at least, to carry on the peace services in all those quarters in which those questions may arise. This I suppose will be called faction. Why, my Lords, if after what I said three years ago I had manifested any inclination or disposition to withhold any assistance from the Government, either in the way of vote, or of advice, or in any other

way in which, by any exertion of mine, I could have given them or the public assistance, I would allow them to call me factious; but I never have permitted any opportunity to escape in order to be of use to noble Lords opposite in the best way I could; and I only advert to this now, because the noble Viscount has taunted my noble Friend with bringing my name into question; whereas, in truth, there is no more comparison to be instituted between the present time and the time when I sat on the opposite benches, than there is between these times and the times of 1740. The noble Viscount might as well compare those two periods.

I think my noble Friend (Earl Hardwicke) has been entirely misunderstood and misrepresented in respect of what he said as to the feelings of the officers of the navy; and I trust that my noble Friend's explanation has satisfied your Lordships upon this subject. What my noble Friend said was this,—that, in consequence of the small number of officers employed, and of the manner in which they were employed, there were not sufficient means of instruction and practice for officers of high rank and station; and that, not having those opportunities of practice, and of witnessing the manœuvres of fleets in large bodies, they had not that experience which naval officers in other services had, and that this deficiency was calculated to create a want of confidence in themselves. This was what I understood my noble Friend to state, and he also particularly remarked that French officers, in consequence of the greater number of their ships in service in proportion to the number of officers, were always employed in service and in the practice of their profession. This was what my noble Friend said; and I am sure that my noble Friend could not have thought of saying that there was any feeling in the officers of the navy of want of confidence in themselves, or of want of confidence in those over whom they would be placed. I know a great deal of the gentlemen of that profession; and for my own part, I have always had, and still have, the fullest and the highest respect for them, and the very utmost confidence in them. I have always endeavored to emulate their services in the service in which I have myself been engaged; and I am sure that in nothing have I ever wished to emulate them in a greater degree than in that confidence which they feel, not only in themselves, and in officers of their own rank, but in all officers and troops under their command.

My Lords, it is really impossible for me to enter into all the

details which have been adverted to by different noble Lords who have spoken in this debate; but having sat upon the Military and Naval Commission with the noble Lord opposite (the Earl of Minto), I must, in justice to that noble Earl, and the other officers of the navy who sat upon that Commission, say, that it is impossible for any men to have taken more pains than they have done in carrying out their inquiry, and in adopting every measure which could be suggested to improve the service in every way, and to render it more desirable and more advantageous, so as to induce old officers to continue in it, and thus to give the junior officers the advantage of their experience; and to make the service as effective as possible. I think I should not be discharging my duty if I did not say thus much upon an occasion of this description; and I have no doubt, when the Report of that Commission shall come before your Lordships, it will be found that not only everything has been done which could be suggested, but that the service will become much more efficient than it ever was before that Commission was appointed. There is one topic which has been adverted to by my noble Friend, and which has been replied to by the noble Viscount opposite, upon which it is impossible for me to give any opinion; but in a discussion of this description it appears to me nothing more than legitimate, if any noble Lord conceives that the patronage of the navy is not fairly disposed of, that he should state that opinion. I have never heard a discussion of this kind in which that topic has not come under consideration. For my own part, I am not able to pronounce any opinion upon the appointment of Admiral Fleming. I know that the navy is a service in which the minds of men are naturally very jealous; and, as my noble Friend has said that the service feel considerable anxiety on this subject, I do think it was a justifiable topic to introduce into this debate.

I have now stated, shortly, what my opinions are upon these subjects. I have said, and I will repeat, that I am decidedly of opinion that the noble Lords opposite have utterly neglected Chinese affairs, and that this country will have reason to regret the neglect that has taken place; and that the misfortunes we have already suffered will (if great care be not taken) be followed by others before the Government can send a squadron to China. According to all accounts, no ship has yet sailed, although it is now eleven months since the commencement of these differences.

This does not look like a capacity for the due performance of the peace services of this country, so far as that part of the world is concerned, or to imply that that attention has been paid to those services which they ought to have received from the Government of the country.

March 27, 1840.

LORD SEATON.

Viscount MELBOURNE having moved an address in favour of a provision for Lord Seaton,

THE DUKE OF WELLINGTON said:

I entirely concur in what has fallen from the noble Viscount, and I will not weaken what he has so eloquently said by adverting to topics which he has urged respecting the services and character of my noble and gallant friend with so much feeling and good taste. My Lords, I will only say that I had the honor of being connected with the noble and gallant Lord in service at an early period of his life; and I must declare that, at all times and under all circumstances, he gave that promise of prudence, zeal, devotion, and ability which he has so nobly fulfilled in his services to his Sovereign and his country during the recent proceedings in Canada. I entirely agree with the noble Viscount in all that he has said respecting the conduct of my noble and gallant friend in remaining, under all circumstances, at his post; and in taking the command of the troops, although it was not thought expedient by the Government to place him again in the government of the provinces. I agree with the noble Lord in wishing that such examples as that which has been shown by the noble Lord may be always followed in Her Majesty's service; for I must say that there never was a brighter example of fortitude and discretion than that which has been manifested by the noble and gallant Lord. I was most happy, therefore, to hear the noble Viscount declare, in such strong terms, his approbation, and that of Her Majesty's Government, of that particular feature of the conduct of the noble Lord. I view with the utmost gratification the intimation of Her Majesty's gracious favour to the noble Lord, and her appreciation of the great services he has rendered to the country; and I concur most cordially in the course proposed by the noble Viscount, in order to enable Her

Majesty to complete her gracious intentions in making some provision for the support of those honors which have been conferred upon the noble Lord.

Motion agreed to.

March 31, 1840.

CLERGY RESERVES, CANADA.

Viscount DUNCANNON moved for returns relating to this subject.
The Bishop of EXETER and Viscount MELBOURNE having spoken,

THE DUKE OF WELLINGTON said:

My Lords, I am disposed to approach this subject in the spirit which has been recommended by the noble Viscount opposite; but I confess I am not surprised that some feeling should have been excited by what has transpired on this subject, not only by what has appeared on the face of these papers, but by what has passed in this House of Parliament, and also in another place. It appears that this Act of the Canadian Parliament was suggested by the Right Honorable gentleman the Governor-General of Canada, who had recently gone out to take upon himself the government of that province. It appears, also, that this Act of the Parliament of Upper Canada—of which I shall say but little, as it will come hereafter under your Lordships' consideration—although it was suggested by the Right Honorable gentleman to the Parliament of Canada, did not meet with the entire approbation of the Secretary of State for the Colonies; at least it appears that the noble Lord would not have suggested that particular mode of legislation and this particular Act of Parliament. The suggestion, then, came as the suggestion of the Governor-General himself, not as that of his employer, the Secretary of State; and the suggestion has given rise to this Act of the Parliament of Canada, upon which the Imperial Parliament is now called on to give an opinion by addressing the Crown against it, or, by giving none, to allow the Act to pass into a law. Now it may have happened, as has been suggested by the noble Viscount, that the Right Reverend Prelate has referred to papers which as yet have only been moved for. I may have seen some of them in the course of my official duty, but as I have no copies I cannot compare them; and under these circumstances I shall refrain from making any observations on

them. I must however say that, if the Right Reverend Prelate had any knowledge of those papers, it was not extraordinary that, having called for some of them, he should point out their bearing and their relation to the conduct of the Governor-General, who appears to have been the suggestor of this Act of Parliament. Now I shall say no more of this Act of the Parliament of Upper Canada than this, that one of its objects certainly is to repeal and alter an Act of the British Parliament; and this Act, as I have observed more than once, was suggested by the Governor-General. I really must own that I am not astonished at the feeling which has been excited; and I cannot help thinking that the Right Reverend Prelate, who had a knowledge of the contents of those papers, would not, in moving for their production, have been justified, if he had not let the House know what he had become acquainted with, having regard to what may pass in this House hereafter, so that your Lordships may then come down here and give your votes on the motion of the Most Reverend Prelate according to the best of your judgment.

Motion agreed to.

April 6, 1840.

PUBLICATION OF PARLIAMENTARY PAPERS.

The LORD CHANCELLOR moved the second reading of the Printed Papers Bill.

Lord DENMAN and Viscount MELBOURNE having spoken,

THE DUKE OF WELLINGTON said:

I entirely concur with the noble Viscount in the hope with which he has concluded, that your Lordships will go into Committee upon the Bill, in order to frame such a measure as may tend to put an end to the unfortunate situation in which the courts and the House of Commons have been placed for the last two or three months, if not for the last two or three years. My Lords, I think that the noble Viscount seems to entertain some objection to what has been laid down by the noble and learned Lord, in a speech of great ability, in respect to the censure which he supposes to remain on the Court of Queen's Bench. Now, in my opinion, one of the principal merits of the Bill is, that it casts no censure on the Court of Queen's Bench. It was well observed by

the noble and learned Lord on the Woolsack, that the Bill leaves the judgment of the Court of Queen's Bench exactly where it found it; and that no censure at all has been passed upon any part of the transaction, so far as the Court of Queen's Bench is concerned. In my opinion, this measure is founded on the necessity of the two Houses of Parliament enjoying great and extensive privileges; and that each of them should have the means of judging of and vindicating its own privileges. It is obvious, from what has passed lately, that these means do not at present exist, and therefore it is that this Bill is necessary; and it is for that reason that I am disposed to vote for the second reading of the Bill, and to go into Committee upon it, in order to render it as perfect as possible. But I certainly agree with what has been said by the noble and learned Lord who spoke just now with so much ability (the Lord Chief Justice of the Queen's Bench), when he observed that the origin of this unfortunate state of affairs was the resolution passed by the House of Commons in the year 1835, that the papers of the House should be printed and sold under the authority of the House. Now it is true that papers had been printed and published by the authority of the House for many years previous to that period, but they had never been sold before; and I do not think that one instance could be found in which the papers had been previously sold by the authority of the House. It is true that they had been sold by the officers of the House, but it appears in evidence that they were not sold by its authority. Now I must say that I agree entirely with the noble and learned Lord in thinking that this resolution for the sale of papers by the authority of the House was that which has created and occasioned the difficulty arising out of the recent discussions that have taken place. I likewise concur with the noble and learned Lord in thinking that neither this Bill, nor any proceeding of the House of Commons, nor any intention indicated by any such proceeding, has manifested any disposition in that House to give the public and individuals the security which might be derived from arrangements which they might adopt with respect to the sale of their papers. They do no such thing. The resolution of 1835 remains as it stood originally; and they will commence to-morrow, after this Bill shall have passed, with these papers, inflicting grievances similar to those which have already been sustained, without any remedy to the subjects of this country for the injuries occasioned by the publication of such

papers. But, my Lords, the noble and learned Lord has stated likewise, what is perfectly true, that the last Report of the Committee of the House of Commons upon Printed Papers has avowed that not only has no attempt been made to give any security to individuals in respect to the sale, but that all attempts that had been made, in order to give such security against libels being published in the Reports of Committees, had failed altogether. The Report says, it is true, that there have been only two instances in which parties have been libelled in these Reports. God knows how many more there may have been which have passed unnoticed, but they admit that two cases have occurred. One of these was the case of Stockdale—undoubtedly a libel; the other was the case of a libel on a most eminent and respectable individual, the Lord Chief Justice of the Common Pleas; and still the noble Viscount opposite asserts that there have been no well-founded complaints of the exercise of this privilege! I wish, as indeed everybody wishes, that the House of Commons should have the power of printing and publishing its papers. But what I want to do is this: to provide that, when it proceeds to the sale of them, the law should take its course. As to the printing and publishing of papers, I have no objection, until it comes to the point of sale. The sale ought not, in my opinion, to be made by the authority of the House: it ought to be made by individuals, and they should be responsible for what they sell, as they were previously to their passing of the resolution of 1835; and up to that time it must be admitted that the House of Commons and the House of Lords had the advantage of all their privileges quite as much as they have ever had since. My Lords, I must confess that I look a little further into this question than the mere matter of libelling individuals. I consider all this as it affects the public generally; and I say that the public is mainly interested in its being understood that the House of Commons and the House of Lords are not to be the privileged sellers of libels against individuals. I remember reading with great satisfaction the history of a great case which was pleaded and argued at considerable length, some years ago, in this country: I mean the case of 'the King *v.* Peltier' in the Court of King's Bench. That was the case of an action brought against an obscure individual for a libel which he had published upon the sovereign of a neighbouring country, with whom we were then in a state of peace and amity. Now I ask your Lordships

whether, supposing, in the course of the late Polish revolution, the libels—some of which we have seen printed in this country, and others of which we have heard spoken in the other, and, I believe, in this House of Parliament—reviling, in the strongest terms, the sovereign of Russia, had been stated in the petitions, or in the proceedings of the House of Commons, and had been printed, published, and sold by its authority;—I ask your Lordships whether such a proceeding would not have been calculated to disturb the peace of this country and of the world at large? In short, I ask your Lordships whether it is desirable that there should be an opportunity of publishing and selling, on the part of the two Houses of Parliament, libels against the sovereigns of all foreign countries in Europe? My Lords, I am one of those who consider that the greatest political interest of this country is to remain at peace and amity with all the nations of the world. I am for avoiding even the cause of war, and of giving offence to any one, and of seeking a quarrel, either by abuse or by that description of language which is found in these libels. I am against insulting the feelings of any sovereign, at whom individuals may have taken offence, and against whom they may seek to publish libels under the sanction of Parliament. Let them state what they please in their private capacity, and let them be answerable for it individually, as Peltier was. What I want is, that Parliament should not, by the combined privilege of publication and sale, run the risk of involving the country in the consequences of a discussion on such subjects, and in all the mischiefs and inconveniences which might arise from it. Under these circumstances, I hope that, in the Committee on the Bill, some means will be found of leaving the publication by sale in the state in which it was under the common law, previously to the resolution of 1835. The noble and learned Lord, in the course of what he said this evening, has suggested a mode—for the noble and learned Lord's mind goes with mine on this subject, without any communication having taken place between us—which would tend to a total alteration of the law of libel. It may be proper that that law should be altered. I give no opinion on that point at present. What I insist on is this, that this House and the other House of Parliament should not become libellers by the authorised sale of their papers. Let either House of Parliament print or publish, in their Votes or in their Reports, what is necessary, but let neither of them proceed to sell them. Let us leave

it to individuals to sell them, and let those who profit by the sale be responsible for the consequences. I shall certainly vote for the second reading of the Bill, and will go into Committee upon it with a view of amending it; but I really think that we shall not be acting with justice towards the public in general, unless we find means by which the sale of papers may be prevented.

April 7, 1840.

CLERGY RESERVES, CANADA.

The Bishop of EXETER moved that certain questions relating to this subject be submitted to the judges.

Viscount MELBOURNE considered the reference unnecessary.

THE DUKE OF WELLINGTON said:

My Lords, it is not my intention to discuss the questions upon which the opinion of the judges is required; all that I mean to trouble your Lordships upon is, whether the questions shall be put to the judges, or shall not be? Neither do I think it necessary to follow the noble Viscount through that part of his address to your Lordships which relates to his defence against certain supposed charges which he imagines the right reverend Prelate has made against the Government. I certainly did not understand the observations of the right reverend Prelate to have taken that shape in which they appear to the noble Viscount. That which the right reverend Prelate did, and did most ably, was to state his opinion of the meaning of certain words in the Acts of the 14th and 31st of George III., upon which the noble Viscount has advanced a directly opposite opinion; and the result of these two opinions of the right reverend Prelate and the noble Viscount is—at least the conclusion I draw from these different opinions of those two great authorities—great legal authorities—is, that your Lordships do require the opinion of a third party, and that third party the judges of the land. Here is an Act of Parliament, the 31st of George III., in which certain words are used, to which the right reverend prelate attributes one meaning, and with great justice too; for there can be no doubt whatever that there are certain terms used, and certain regulations enacted, in that Act of the 31st of George III., which are applicable solely to the clergy of the Church of England. They can mean nothing else but the

Church of England. The noble Viscount, on the other hand, who does not mean to put himself forward as a legal arguer, says that certain words in the 14th and 31st of George III. must mean all clergy whatever. This then is another reason why your Lordships ought to have some opinion on that point, in order to assist you in respect to the meaning of the words, because there can be no doubt that, if the meaning of those words be that the word 'clergy' means the clergy of the Church of England, the Canadian Bill is one which ought not to receive the Queen's confirmation. To go further: the right reverend Prelate has referred to particular parts and clauses of an Act passed in the 7th and 8th of George IV., in which the same signification is asserted. That is not an Act by which any powers are conveyed to the Canadian Parliament to alter or repeal former Acts; and that is a point upon which the right reverend Prelate has very properly desired to have the opinion of the judges. I think the judges can have no difficulty in giving an opinion upon this point, however they may feel with regard to other points. But with respect to the Act of the 31st of George III., it is quite clear that the reserves, whether they were made for the clergy of the Church of England or for the clergy of all sects generally, were made for a Protestant clergy. That is admitted by the noble Viscount himself. But it appears that this measure includes in its provisions the clergy of the Roman Catholic persuasion. That is another reason for asking for assistance to enable the House to decide whether or not it ought to use the power it has, under the Act of Parliament, to beseech Her Majesty to withhold the Royal assent from this Bill? The right reverend Prelate has advanced grounds for requesting the opinion of the judges, which have not been at all refuted or disturbed by the noble Viscount. Even he has stated his difference of opinion from the right reverend Prelate; and has said enough to show the House that, when such difference exists, your Lordships ought in fairness to call for assistance to enable you to come to a proper decision. I therefore shall support the motion.

Motion carried by 57 to 40.

April 13, 1840.

POOR-LAW GUARDIANS, IRELAND.

The Marquis of WESTMEATH moved for a select Committee to inquire into certain elections of Poor-Law Guardians in Ireland.

The Marquis of NORMANBY opposed the motion.

THE DUKE OF WELLINGTON said:

The first point in this subject which has made an impression on my mind is the alteration made in the Act of Parliament. When that Act was before your Lordships in the shape of a Bill, and read a second time, upon the motion of the noble Viscount opposite, I stated that I for one had no objection to the amendments in the Irish Poor Law Bill, as stated by the noble Lord opposite; for I considered, from his statement of them, that all the amendments proposed were consistent with the enactments of the original Act of Parliament. This occurred on the 25th of February, upon the second reading of the Bill; on the 26th the Bill was considered in Committee, and no amendments were introduced when it was committed; the Report was made on the following day, the 27th; and the Bill was read a third time on the 28th, on which day the amendments were introduced of which the noble Marquis has complained. Now the noble Marquis has said that those amendments were inconsistent with the original Act of Parliament. It certainly does appear, on reading the clause, that persons should not have the power of voting for Poor-law guardians without having paid the rates, which the original Act of Parliament required they should pay previous to their voting for the election to this office of guardian. I am aware that there is a doubt whether the eighty-fifth clause of the original Act does not govern the new clause introduced into the Amendment Act. I understand that there exists a great difference of opinion on that subject. I am sure that I heard a similar question argued in this House, between my noble and learned friend who sits behind me and the noble and learned Lord on the Woolsack, when the Metropolitan Police Bill was before the House; and it then appeared at least doubtful whether or not a proviso in a former Act of Parliament governed the enacting clause in a subsequent Act of Parliament. The noble Marquis, however, who has just addressed your Lordships, admits that there is a doubt on the question, and that

doubt ought to be cleared up. All that I can say is, that I must beg leave to call to the recollection of your Lordships the part which I took when the Irish Poor Law Bill was brought into Parliament. I certainly supported that measure, and proposed many amendments in it: and I believe that the amendments which I proposed, and induced your Lordships to adopt, were the means of getting the measure through this House, and of obtaining for it the sanction of the other House of Parliament. I must say, therefore, that, when I first heard of this amendment, I did not consider myself very well used, because I had consented to a Bill to amend the former Act solely on the ground that no amendment was to be introduced which would be inconsistent with the enactments of the former Bill; and it certainly did happen that I was out of town on my public duty, in another part of the country—in Hants, where I have the honor to be Her Majesty's lieutenant—for three days, on the 26th, 27th, and 28th of February, on which days this Bill went into Committee, was reported, and read a third time; the amendment being made neither in the Committee, nor on the Report, but upon the third reading. I really must say this, that I am thoroughly convinced that the noble Lord ought not to have carried an amendment of this description, more particularly in my absence, if there was any doubt on the subject. I confess that I have looked at this amendment with a good deal of suspicion. I had every reason to believe, when the Poor Law Bill was passed in 1838, that it would have been fairly carried into execution by the Poor Law Commissioners, and that the plan pursued in this country would have been followed out in Ireland; and, further, that when such sacrifices were made, on the part of the proprietors of Ireland, which they then manifested the intention to make, political partisanship would be kept out of the affair altogether, and that the law would be really administered for the benefit of the poor, and to promote the objects which Parliament had in view in adopting the measure. Now I cannot say that I am satisfied that that has been the case; and I confess that I have looked at this particular measure with suspicion, because there is no doubt whatever that it does alter the complexion of the original measure; for the eighty-fifth clause of the Act does not govern the new clause introduced into the Amendment Act. That, then, is one ground on which I shall certainly be disposed to vote for the Committee proposed by the noble Marquis. With respect to another ground

stated by the noble Marquis, I am perfectly aware that those Acts of Parliament—namely, the Poor Law Act in England and the Poor Law Act in Ireland—afford great facilities for ascertaining all that passes, in respect to the execution of the Act, between the Commissioners and those who are employed under them in carrying the Act into execution. The whole business is carried on in writing, and nothing would be so easy, as copies are required to be kept, as to procure copies of the correspondence which may have taken place. Under these circumstances, I must say that whenever a case may have to be inquired into, involving the conduct of the Commissioners, it will be expedient that the House should, in the first instance, have before it the correspondence between the Commissioners and the persons whose conduct may be complained of, in order that the House may see exactly where the mischief lies. The circumstance, however, of a noble Lord, a member of this House, not having been elected a guardian, is certainly not a matter for inquiry before a Committee of this House, unless some charge were meant to be brought against the Commissioners for their conduct on that particular occasion; and I do not understand any such charge to have here been made. I certainly think it desirable that the inquiry should be limited to those papers before the House, on which the House could form its judgment with respect to that particular Act of Parliament. I should hold that it is so obvious that the clause in the Amendment Act did make a material alteration in the meaning of the original Bill, that I would suggest to the noble Marquis the Secretary of State the propriety of introducing a Bill to declare what the meaning of the Act is, and that it is not intended to alter the meaning of the original Act of Parliament. I would therefore suggest the convenience of postponing the debate for a certain time, in order that opportunity may be given to inquire whether there are any papers which might be produced, and also to give the noble Lord an opportunity of bringing in a declaratory Bill.

Motion withdrawn.

May 4, 1840.

MUNICIPAL CORPORATIONS (IRELAND) BILL.

Viscount MELBOURNE moved the second reading of this Bill.

THE DUKE OF WELLINGTON said:

My Lords, I do not intend to oppose the second reading of this Bill; and all the alterations which I think it requires can be made with more convenience in Committee. I do not object to the general principle involved in this measure; and therefore I advise your Lordships to allow the second reading of the Bill, and to go into Committee for the purpose of making any alteration which I or any other among your Lordships may think proper and advisable to propose in its different clauses. The noble Viscount has stated to your Lordships the grounds on which you were induced, during the last and previous Sessions, to agree to the principle of the abolition of corporations in Ireland, considering their exclusive character, and to take away from that country institutions similar to those which some time ago existed in this. That the municipal corporations in Ireland are similar to those which have been abolished in England has been denied by the noble Marquis (the Marquis of Westmeath) near me, and he has called for papers in order that your Lordships may see whether there is, or whether there is not, any evidence against the conduct of these corporations. I think, before we come to any decision on this measure—at any rate before we agree to its several clauses—that we ought to hear the result of an examination of these papers. Before we decide against a continuance of the corporations in Ireland, on the ground of their acting in an exclusive spirit, we ought to know, clearly and distinctly, whether their conduct has fairly subjected them to such a charge. But putting this part of the question entirely out of consideration, and resting satisfied with the destruction of the corporations, we then have to consider whether the towns of Ireland could be as properly and efficiently governed as the other parts of the country are; or whether, if other corporations should be formed in Ireland, the government of them should be composed of persons appointed to their offices by popular election? This system of election has been viewed with great apprehension by many persons; and I confess that I am one who think that the corporations established in this manner are as likely

to be as exclusive, in another sense, as the existing ones have, it is said, been found to be for the last fifty years. Under these circumstances, I was, from the commencement, reconciled to the abolition of the Irish corporations; and I have always understood that no objection existed, on their part, to extinction; but the question is, whether the borough towns in future shall be governed as the other parts of the country have been governed, or whether their affairs shall be regulated by new corporations composed of elected members, which, according to the apprehensions of some persons—among whom, I confess, I rank myself—are likely to prove just as exclusive, in a contrary sense, as the existing corporations are charged to have been for the last fifty years. From the time this measure was first introduced, I have been seeking, in common with your Lordships, for some mode of avoiding this evil—that is to say, I have been searching for a mode of establishing a government for the towns in Ireland by elections which shall be free from an exclusive spirit.

My noble and learned friend (Lord Lyndhurst) proposed a system for the government of the towns with which I should have been perfectly satisfied, namely, the extinction of the corporations altogether. This plan was, I believe, entirely satisfactory to Ireland, to your Lordships, and to a large body of persons in the other House of Parliament; but it was finally rejected by the House of Commons, and there certainly appears no prospect of our being able to induce that House to adopt such a system. I do not find, however, that the plan now proposed for the establishment of new corporations in Ireland is very satisfactory to that country; and before I sit down I will take the liberty of reading a list of towns which have petitioned your Lordships and the other House of Parliament to be exempted from the operation of the Bill. The people do not like the prospect which this Bill holds out of their being subjected to a large and unlimited taxation. They would prefer to go on as they have hitherto gone on; or, at all events, they would prefer to have no corporations at all, to the establishment of such bodies as those which it is proposed to form under the present Bill. In the mean time I would recommend your Lordships to enter on the consideration of the measure with a view to make it as perfect as possible, and you will then have an opportunity of considering in Committee those petitions to which I have alluded. The abolition of these corporations was not the only

point debated at an early period of these discussions. It was thought desirable, both in this and the other House, that some mode should be adopted of fixing the qualification of the burgesses who were to elect the municipal bodies, which should be independent of the qualification by oath. I am afraid that it has been found that the qualification by oath cannot be depended upon in that part of the empire; and therefore; though I have given my assent to the adoption of the principle of forming new corporations, I never agreed to the details of any measure until I could perceive, by the establishment of a Poor-law in Ireland, the existence of some system according to which the qualification of claimants to vote in municipal elections might be clearly made out. But what has happened since the Irish Poor Law Bill was passed? That law has not been fairly carried into execution. The boards of guardians, under whom the Poor Law Bill is to be carried into execution, have not been fairly elected. The Poor Law Commissioners have not performed their duty on that point, and the Government has not obliged them to do so. The qualification depends on the valuation of property; and that again depends on the independence, honesty, intelligence, and fair dealing of the valuator. Let us have an inquiry into the mode in which the valuators have been named; and it will be found that the law has not been properly carried into execution, purposely in order to avoid the necessity of fixing fairly the qualification of the voters for municipal corporations. There ought to be some examination into this subject, and the present Bill ought not to be passed until some parliamentary enactment shall be adopted, guaranteeing that the law will be fairly carried into execution, and that the qualification of the voters will not be mere waste paper. An amendment, too, has been made on the Irish Poor Law Act, of which I conceive I have some right to complain.

I have stated that I had no objection to an amendment consistent with the principle of that Act; but at a time when I went out of town on public business, and when it was known I could not attend in your Lordships' House, this amendment, which alters fundamentally the principle of the Bill of the preceding Session, with regard to the election of guardians, was proposed and adopted on the third reading of the amended Bill, and without notice to any one. The opinion of the law officers of the Crown has been taken upon the point, and I have read that opinion since the subject

was last discussed. My Lords, I would not give one pin for that opinion. It does not apply to the subject in any one respect. What it says is this—that the operation of the eighty-fifth clause of the Bill of the former year is not at all affected in its relation to the eighty-second clause; but the amended clause in the new Bill, which enables persons to vote for guardians of the poor without paying their rates, remains, and is not affected by the eighty-fifth clause of the former Bill. In reality, therefore, a trick was played on this House; and so the Bill remains, up to this moment, on the statute-book.

Viscount MELBOURNE: Only for three years.

THE DUKE OF WELLINGTON:

I am aware it is only to last for three years; yet are your Lordships urged to pass this measure through Committee, upon the faith of these very guardians being elected by persons who have not paid their rates, and cannot pay them, under the amended clause introduced into the Bill of last Session without the knowledge of anybody, and most particularly without the knowledge, and in the known absence, upon public business, of the person who had taken the principal part in its discussion! I hope, however, your Lordships will read this Bill a second time; though it is impossible that we should pass it through Committee without knowing with accuracy how this whole affair stands with respect to the election of guardians and the due execution of the law in Ireland, because, if that law be not strictly carried into effect, your Lordships will be left precisely in the same situation as when the Bill was introduced four years ago, that is, without any measure of qualification for burgesses, or any mode of ascertaining the qualification but that which I earnestly recommend no man to trust to—the oath of the party himself. I believe, then, I have given a pretty accurate account of how this Bill now stands with reference to the Poor Law Bill. There is, indeed, another measure which will come under consideration at some future period, namely, the Irish Tithe Bill, also in some way connected with this subject; at least so far connected with it, that, both by your Lordships and the other House of Parliament, it has been considered that this measure should not pass until the tithe question shall have been settled. There is some little reason for complaining that the Irish Tithe Bill, as well as the Irish Poor Law Bill, has not been fairly

carried into effect; and I therefore earnestly recommend that your Lordships should not part with the consideration of this Bill before you shall have taken care to ascertain how both questions stand, and especially with respect to the election of guardians and the appointment of valuators.

The noble Viscount, in introducing this measure, has described what he conceives to be the duty of Her Majesty's servants on the subject, and stated generally the nature of the clauses of which the Bill is composed. I certainly do think it extraordinary—this question having been before the country for six or seven years, the subject having been considered, reconsidered, and discussed in every shape by both Houses of Parliament—I do think it extraordinary that this Bill should not have reached us, in some one or other of its former shapes, containing those provisions on which both Houses have previously agreed. There are certain points on which both Houses agreed last Session, and even in former Sessions, that are altogether excluded from this Bill. I will take, for instance, some of the points which have been referred to by the noble Viscount himself. There is the proposition with respect to the nomination of the sheriffs by the Lord-Lieutenant instead of by the Town Council—an amendment proposed by your Lordships, and agreed to by the House of Commons, I believe, in 1835 or 1836. I believe I have a note of it.

Viscount MELBOURNE: I don't deny it.

THE DUKE OF WELLINGTON:

Then I should like to know why the noble Viscount did not try to get his majority in the House of Commons—I beg pardon, not majority, but friends—in the House of Commons, to adopt that proposition, instead of that which has been inserted in the Bill now before your Lordships? Is it a just and proper principle, or is it a bad one, that the sheriffs, the officers of justice, should be named independently by the Crown, and not appointed by popular election? Which proposition is more consistent with the constitution of the country?

Viscount MELBOURNE: The sheriffs are chosen in England.

THE DUKE OF WELLINGTON:

I put the question with respect to Ireland, and I ask whether it is more fitting that the sheriffs there should be named by the Crown or returned by popular election? The next point to which

I would advert is the question of the freemen. I want to know whether the noble Viscount has looked over the clause in relation to freemen which was inserted in the Bill of 1838; and, if so, why it has not been introduced into this Bill? It was agreed to by the House of Commons in 1838, and re-introduced by your Lordships in 1839; yet the Bill is now sent up with a provision, in that respect, entirely new. There is another point, most important as to time. There has always been some discussion, in those measures, with respect to cities and counties of cities; and here again I have the satisfaction of thinking that the two Houses of Parliament have agreed on separating from the city the rural part of what is called the county of the city, in respect of all judicial and fiscal matters. The House of Commons did not adopt an amendment made by your Lordships to that effect last year, only because it was conceived in some way to interfere with the rules and regulations usually enforced with respect to taxing clauses; but I do think that a Government desirous of carrying certain measures, and at the same time of maintaining harmony between the two Houses of Parliament, would have tried (your Lordships having, by mistake, introduced some enactment inconsistent with the ordinary mode of regulating such matters) to induce the House of Commons to adopt that enactment which had been previously discussed and introduced into this Bill in former Sessions. But no such thing: the Bill comes up in another shape, without any amendment on that subject. In the mean time another Bill, which is to be part and parcel of this measure, has been introduced only on the 10th of April, the Municipal Corporation Bill having come up to this House on the 10th of March; yet your Lordships are now called on to read this Bill a second time, and, at an early period, to go into Committee upon it, knowing nothing about the other measure but what you can learn from the newspapers, and having no knowledge whatever of what the regulations are to be on this most important subject. I have, my Lords, several objections to other details of this Bill, into which, however, I will not at present enter, because I wish not to detain your Lordships. I have satisfied myself with referring to those which have been noticed by the noble Viscount, my object being to show the spirit in which those transactions have been carried on between the two Houses of Parliament by Her Majesty's Government.

There is another point, too, on which I must trouble your Lord-

ships with a very few words: I mean the clause which gives Her Majesty the power of granting new charters of incorporation on the prayer of a majority of the ratepayers—that is a majority, however, not of the payers of rates entitled to be burgesses, nor of persons of property who are to be taxed, and who must bear the expense of these corporations, but the majority of ratepayers, every person being a ratepayer who is liable to be rated under the Poor Law. Really this is making a joke of the security of property altogether in these corporations. But we are told this is a very popular measure in Ireland. Now I beg to lay before your Lordships the list of petitions which have been presented for and against the Bill. Belfast has petitioned against the Bill, and in favour of vesting the corporate property in commissioners; Galway for vesting the property in commissioners, and to be transferred to Schedule B. Clonmel, another important town, has petitioned to be transferred to Schedule B; Sligo, to be transferred to Schedule B; St. Paul's, St. Michael's, St. Mary's, St. Bridget's, and St. John's, Dublin, for vesting the property in commissioners; the guilds and companies of Dublin against the Bill generally; Waterford for vesting the property in commissioners; Kilkenny to the same effect; Londonderry to the same effect, and another petition for the Bill; Cashel for vesting the property in commissioners, and another petition for the Bill as it stands; Maryborough for vesting the property in commissioners; Cork and Limerick against the boundary clauses; Armagh for a qualification of 10*l.* rental, exclusive of taxes; Liverpool against the Bill generally, also one in favour of it as it stands; Warrington, Hull, and Bath, against the Bill; Carlisle, one petition against and one in favour of the Bill; the corporation of Dublin against the Bill generally; and then there are various other petitions on the subject of compensation. I have a few words to say to your Lordships on this subject of compensation. The noble Viscount has promised that this Bill shall contain the same provision other Bills have had before for awarding compensation to the holders of offices under these corporations. I would therefore earnestly recommend your Lordships not to part with this Bill without seeing such a clause positively introduced. There is another remarkable omission, too, in the present Bill. The amendments introduced into the Bill of 1838 required a strict audit to be held of the accounts of the receipt and expenditure of these corporations; and I believe that a clause to this effect had been formerly

agreed to. Now I want to know whether it is necessary, for the sake of popularity, that there should be no provision in the present measure for auditing the accounts? Nothing is so essential to the fair operation of the Bill as a strict audit of the accounts; and yet such a clause is not adopted, merely because it does not suit the views of a certain party in another place and in Ireland. I shall require this Bill, my Lords, to be amended in many respects in Committee; but, notwithstanding the want of the amendments I refer to, I earnestly recommend your Lordships to give this Bill a second reading. May your Lordships amend the Bill when in Committee as far as lies in your power; and I give notice, for one, that, if the Bill be not amended to my satisfaction, I shall feel myself justified in saying 'not content' to the third reading.

The Earl of WINCHILSEA moved that the Bill be read a second time that day six months.

The Marquis of WESTMEATH supported the amendment.

The Earl of MOUNTCASHEL and Viscount MELBOURNE having spoken,

THE DUKE OF WELLINGTON said:

The noble Viscount opposite has made some observations as to my having brought forward a charge against the Poor-Law Commissioners. Now I am prepared, my Lords, to make good that charge. The Poor-Law Commissioners were called on, by the New Poor-Law, to make regulations in respect to the guardians. Have they made such regulations, or has the Government required them to do so? I say they have not, nor have the Poor-Law Commissioners performed their duty. Then there is another thing worthy of remark. There cannot be a doubt that there have been great abuses in the election of those guardians, and in the appointment of valuators; and a noble friend of mine stated to the House, on a former occasion, the mode of proceeding in those appointments and elections. Why, those commissioners have great powers given to them under the original Act, in respect to the board of guardians, so as to put them out and appoint others, if they did not perform their duty. Have they performed that duty? Men who have power under an Act of Parliament ought properly to exercise that power, and are responsible for the consequences if they do not. I want to know whether the Poor-Law Commissioners have exercised their power? I think they have not, and that the Government has not urged them to do so. With respect to the

other points mentioned by the noble Viscount, I beg the noble Viscount's pardon, but the original Bill that came up from the other House, in regulating these corporations, contained a clause giving to the Lord-Lieutenant the power of appointing the sheriffs, and that principle was admitted in this House, and adopted in the House of Commons; and when the noble Viscount says, when I told him he might have recommended this measure to some of his friends in the other House, and got them to introduce certain clauses, that it would be just as reasonable for me to have followed that course, and spoken to some of my friends in that House on the subject, I would remind the noble Viscount that there is this difference between us—that I am not the party bringing in this Bill. All I have to do is to take it into consideration whenever it comes before me; but the noble Viscount has to superintend the bringing it in, and carrying it through this House, as well as the other House of Parliament; and I think that, if the noble Viscount and his colleagues had considered this matter a little more, it would have occurred to them that it was desirable to see on what grounds the two Houses were agreed, and to have inserted in this Bill the clauses on which they did not differ. If they had done that, the noble Viscount would have had something to stand upon; whereas, in this case, he has nothing to stand upon. He has altogether excluded from the Bill those matters on which both Houses are agreed, and then says that I ought to have desired my friends in the House of Commons, whether I have one or not—to propose the insertion, in the Bill, of those clauses. Then, in respect to the freeman's clause, I am surprised to find that, after the discussion which has taken place upon it, by all the great lawyers in this and the other House, two years should have elapsed before the noble Viscount discovered the meaning of it.

The noble Viscount might have given some other account of the non-introduction of that clause, which was agreed on last year, and was only rejected on some slight irregularity. I really must say, my Lords, that we have not had quite fair play with this Bill in the present Session of Parliament. The Bill has been brought up in such a form that it is most difficult to understand it: it is in no such shape as we have seen it in before; it is devoid of every sort of arrangement, and many important points which have before been agreed on are omitted. All I can now do is, however, to recommend the House to agree to the second reading; but I beg to

state my determination, on going into Committee, to propose several amendments.

Motion carried by 131 to 32.

May 12, 1840.

WAR WITH CHINA: THE OPIUM TRADE.

Earl STANHOPE moved an address to the Crown, deprecating the hostilities with China, and calling for the interference of her Majesty to suppress the illicit introduction, by British subjects, of opium into China.

Viscount MELBOURNE objected to the motion, and pointed out that the trade in opium was carried on with the connivance, at least, of the Chinese authorities.

THE DUKE OF WELLINGTON said:

My Lords, I feel as strongly as the noble Viscount does an objection to the interference of this House in any question of this description. I therefore am disposed to propose to this House that your Lordships should vote the previous question, upon the motion of my noble friend the noble Earl.

I desire, my Lords, to give no opinion as to the course which ought to be followed with respect to the negotiations that may be carried on with China; and, whether or not they are proper, I do not think that this House ought to interfere, and to decide that, in the course of those discussions, the Chinese government and the Chinese authorities have been in the right, and that Her Majesty's subjects, and Her Majesty's Superintendent of Trade in China, and the Government at home, are in the wrong:—I say, my Lords, that is a question on which I desire this House to forbear from giving an opinion. It is a question upon which I am not prepared to give an opinion. I may be prepared, when acquainted with what is contained in the Blue Book and all the other books, to give an opinion as to the war itself; but I do not know what force has been employed; I do not know what means have been used; I am in ignorance of the resources that can be brought to bear, in order to avenge the insults that have been offered—for there have been insults offered—to Her Majesty's Government, and the injuries done to her people; and therefore I say that I must entreat of your Lordships not to give

your votes upon this occasion, being determined, myself, if I cannot prevail upon you to vote for the previous question, to give no vote at all upon the question; because I do not desire to make myself responsible either for the carrying on of the war or the operations decided upon, seeing that I do not know what are the means for carrying on these operations; or, on the other hand, to advise Her Majesty or this country to submit to insults and to injuries, such as, I believe, have never before been inflicted upon any person charged with public functions as Her Majesty's Superintendent in that country—injuries such as were never before inflicted upon any such person residing under the protection of a foreign government; but which, in this case, were inflicted on our people by the Chinese authorities.

It is perfectly true, as stated by the noble Earl, that the trade in opium has been carried on contrary to the laws of China. But, then, my Lords, it has been so carried on with the knowledge of the local authorities on the spot, who received large payments, in the shape of bribes, or in the way of duties—possibly both—for allowing the import of this opium, its admission into the ports of China. It appears, by that exceedingly large volume, that, although the trade was forbidden by the law of China, it was known to the authorities in China, to the Emperor himself, and to all the servants of the Government, that it had existed for many years, and that a discussion had been continued for many months upon the question, whether the trade should be allowed and continued under a duty, or whether it should be discontinued altogether? Allow me to ask the noble Earl, who has contended so very strongly for the morality of the Emperor of China, whether that morality was so very great while he allowed the trade to be continued? and whether his morality can be improved in any respect by opium being introduced upon the payment of a large duty, instead of its being introduced by means of smuggling, and under bribes paid to the officers of his government; and even, as it has been shown, from the exterior waters into the interior of the country, in the mandarin boats—that is, in boats either in the service of the country, or, at all events, under the charge of officers of the Government? I really cannot see the force of the noble Earl's arguments with respect to the illegality of the trade, when it is as clear as possible that its existence was well known to the Government of China, and that no step has been ever taken to put it down; but, on the con-

trary, the means of continuing it, and of raising a larger duty upon it, were under consideration; and, in point of fact, the trade was finally put down and discontinued only because it was supposed that it occasioned the export of a large quantity of native or Sycee silver. The noble Earl and the noble Viscount have not noticed this point, in the discussion of this subject. In the month of February, 1837, here is a report of Captain Elliot's, stating that the export of native silver is prohibited, and that the trade in opium is to be continued and legalised. I had the curiosity to look at the date of the receipt of that letter while the noble Viscount was speaking, and I find it was received in November, 1837; so that, up to that period at least, the Government had reason to believe that the trade in opium would be allowed to be continued. With respect to the trade in opium, we must, as British subjects, look at it in another point of view. It is a trade perfectly well known to the Government of India—it is perfectly well known to both Houses of Parliament—it is perfectly well known to Her Majesty's servants—to the East India Company—and it was known to the Government which preceded the present Administration. I sat as a member of a Committee of the House of Lords to inquire into this, among other branches of trade; and I remember that evidence was received upon this subject: and that it was a great object that this very trade in opium should be continued after the monopoly of the East India Company should be done away with. Questions were put to the witnesses, whether the trade could not be extended, particularly in this very branch—the trade in opium? and, in the Report of the Committee of the House of Commons it is particularly observed that the trade ought to be continued. Really, then, under these circumstances, it is rather hard to turn round upon these merchants, and to say that they have been guilty of an offence, for which they are not only to be punished with the loss of their property, but to be absolutely abandoned, and to be told, 'You have been the cause of this war—you have been the cause of this great misfortune; and you, therefore, never shall have any redress whatever.' That is a course to which I, for one, never can be a party. But, whatever may have been the immediate cause of the war, I see very clearly that it cannot have been the trade in opium. I want to see what has been the immediate cause of this war, what are the means of carrying it on, and the re-

sources for it, before I venture to give an opinion on the subject. And I entreat of your Lordships to give no opinion whatever, on the one side or the other, until, at least, you know a little more of the real intentions and objects of Her Majesty's Government. When you are in possession of that information, your Lordships can take that course which you may think proper; and I hope it will be—to give to Her Majesty's Government that support which a Government ought to receive, if the war be a just and necessary one. In the mean time, it is best for your Lordships to avoid coming to any vote on the subject. I am anxious that this should be avoided, because I must say that I have not, for a length of time, read anything like the account of the proceedings at Canton, upon the surrender of this opium, and even after the Commissioner had taken upon himself to surrender all the opium in the possession of Her Majesty's subjects, whether belonging to, or by others consigned to, them. And, after the arrangement had been made for the delivery of this opium up to the officers of the Chinese Government at Canton, I declare that I never, in my life, have known an instance, on the part of the authorities of any country, of such language being used as that addressed to Captain Elliot by the officers of the Chinese Government.

The noble Earl has talked of the provocation given to the Chinese Government by the language of British subjects. I see pretty good provocation given to all nations by that Government in the same way; but I have never seen the representative of another Power treated in such a manner as Captain Elliot has been treated by the authorities of the Chinese Government stationed at Canton. I have passed fifty years of my life in the honorable service of my country, and, as an Englishman, I cannot bear to see a servant of the British Government, who is doing his duty in his station, treated in a mode and addressed in language such as ought not to be employed towards the meanest criminal in any country in the world. He was charged with attempting to deceive; he was charged with every meanness—with every kind of low conduct that could be imputed to any man. And what was the conduct observed towards him? He was deprived of provisions—all means of procuring subsistence were denied him,—almost the common necessaries and decencies of life were refused to him; and for what purpose? To force this gentleman to do

that which he was ready to do—to surrender up the whole of the opium into the hands of the Chinese Government—and, in point of fact, he did so surrender it. And, now, the noble Earl says that this war is to be attributed to the opium! Why, there was no British opium in China at the very time these other outrages were continued, and when this very language was held; and, as far as I am able to judge, there was then no opium in the possession of the British merchants there. An order had been issued to deliver it up, and this gentleman had gone down the river for the purpose of surrendering the whole. The war, then, has grown out of another state of circumstances. First of all, there was a claim for the surrender of Englishmen to be put to death, because a Chinese had lost his life in an affray. Captain Elliot, as became an English officer, instituted an inquiry to discover whether a certain number of persons, stated to have been in the affray, had been guilty of the murder or not; and the result of the inquiry was, that he could not bring home the charge to any one—that he had no reason to suspect any one. The Chinese Government still insisted that these six men should be given up. Captain Elliot refused, he having inquired into the matter, and declared that there was no reason to believe that any one of them was guilty of the murder, or of the killing of the Chinese; and that, I take it, is one of the causes of the war.

Another of the causes of the war is this—that a promise had been made that matters should be restored to their former state, in proportion as the opium should be delivered up—that the British inhabitants should have the use of the native servants—that they should have the common comforts of life, provisions, and all that was necessary for subsistence; and finally, that the trade should be re-opened, and matters resumed in their usual course. After having given that promise, it is discovered that this Chinese lost his life in an affray in which American seamen were engaged as well as the English; and then a fourth proposition was advanced, which was this—that every master of a vessel proceeding up the Canton river should sign a bond, submitting himself, and all on board his ship, to be dealt with according to the laws of China. The noble Lord has found fault with Captain Elliot upon this, as well as upon another matter. Now, this objection is most extraordinary; and it rather tends to prove that the noble Earl, though he has paid great attention to this particular book, is not very well

acquainted with former transactions in that country; or he would have found that former traders with China had invariably refused to subscribe to such proposals; and that they had broken off the trade with the Chinese rather than do it—rather than give up British subjects to be dealt with according to the laws of China. I think they acted most properly; and that Captain Elliot, very much to his credit, refused to do it; at the same time, he did no more than his duty. He did what others, I trust, would have done under the same circumstances; and he is entitled to great praise for his firmness in resisting that demand. I say that it would have been most unjust if he had given up these men to be dealt with according to the laws of China, for the putting to death a Chinese, when he was convinced upon inquiry that no charge of guilt could be made out against them. Then there is another circumstance in which Captain Elliot acted as became him. I allude particularly to his refusal to give up Mr. Dent. It was declared that the opium trade was not to be continued; that it was an illegal trade; and that dealing in opium should not be suffered. It was supposed that Mr. Dent had been a person very much concerned in that trade; that he had made a large fortune —as I believe many others have done—by that illicit trade. And Captain Elliot was blamed, when it was sought to have Mr. Dent given up, because he, Her Majesty's representative, and the chief Superintendent of Trade in that country, stepped forward and said, 'I won't allow this gentleman to be given over to the Chinese Government, and to be tried as the Chinese Government may direct.' I should, my Lords, be ashamed of the name of Englishman, if there could be found one in Her Majesty's service capable of acting otherwise than this gentleman did under such circumstances. It was his duty to protect Mr. Dent, even to the spilling of the last drop of his own blood. He had no right to give up Mr. Dent, who was living under the protection of the British Government; and I most highly approve of his conduct in this matter. I say that he would have been guilty of a total dereliction of his duty, if he had given up Mr. Dent to be destroyed by the Chinese. The noble Earl has said that a great deal of difficulty would have been got rid of if Captain Elliot had complied with the request of the Chinese; and that the Americans gave up a seaman to be dealt with according

to the Chinese laws. I am sorry for it. I must say, it was not their duty to do so. They would have done better to have taken a leaf out of our book, and to have followed the example of the East India Company, who put an end to the trade rather than risk the life of one of Her Majesty's subjects, or give him up to be tried by the Chinese Government.

These are the facts which I now wish to bring under the notice of your Lordships, and I entreat you not to pronounce an opinion upon this subject, nor to adopt the Address of the noble Earl, and, by doing so, to interpose your authority and character in transactions of this description, or to encourage any notion that we, in this House, cast any blame upon the gallant officer who has been the principal person engaged in Her Majesty's service in these transactions. This gentleman was placed, from the first commencement of his duties and his service, in a very unfortunate and very difficult position. I confess that, from the very beginning, I never approved of the system on which we were acting in China. My opinion upon these matters is well known to your Lordships. There are on the records of the House certain amendments which I moved to the China Trade Bill, and the other Bill connected with China, in order to induce the Government and Parliament to continue the trade in the hands of the East India Company simultaneously with Her Majesty's subjects at large, and to leave in the hands of the East India Company most particularly the management of the communications with the Chinese Government at Canton. Some noble Lords, now present, will recollect that that was my proposition. I do not know whether that is now also the opinion of many others; but that was the course which I then recommended; and I protested against the Bill when it passed, because that amendment was not adopted. I am of the same opinion still; and I think that, ere long, that opinion will be generally confirmed. But that of which I particularly disapprove is, that the Government have not themselves carried into execution the measures which they chalked out originally, and which, at this moment, they have left undone. I do not mean to say that the adoption of those measures would have entirely prevented the events which have since happened, though I am not sure that such would not have been the case. I am not quite sure that it would not have raised the character of our nation, and have produced

such an impression on the minds of the Chinese of the justice and fairness of our proceedings, that some of the violence which we have suffered might have been avoided.

Now, one thing that has not been done, up to the present moment, has been the establishment of a court of judicature. That court has been repeatedly called for by every gentleman who has been in the situation of Superintendent, and whose letters are contained in the volume of papers on your Lordships' table, and most particularly by Captain Elliot, even up to the very last moment. And the noble Earl should have adverted to that point in considering this question. The Act of Parliament gave to Her Majesty the power of regulating the trade of her subjects in China by an Order in Council. Where is that Order in Council? There is no such Order. That Order in Council has never been issued to this day! The noble Lord blames the Superintendent because he did not send away the ships as they came in—because he did not order the owners of those ships to do certain things; and, at last, it is said, he found he had not the power of doing it. That is to say, when he came to the extremity of starvation, and he and all the British population wanted subsistence, he was under the necessity of prevailing on all of them to give up the opium, and of taking it in the name of Her Majesty, undertaking at the same time that the Government should pay for all that was given up. But he had no authority under any order in Council to enable him to perform that service. He performed it at his own risk; and this Government and the country owe him thanks for having done so at that risk, and by an act of courage and self-devotion, such as few men have ever had an opportunity of showing, and, probably, still fewer would have shown. Then there is another circumstance to which I wish to allude. From the commencement of the period at which this gentleman took charge of the station at Canton, he has been crying out for a naval force. Those gentlemen who preceded him—Mr. Davis and Sir George Robinson—had done the same. I believe that, up to this period, there is no naval force at the command of the Superintendent. The conduct of the Chinese—the threats that were held out at a very early stage of this business, even during the time of Lord Napier—all clearly proved that a large naval force was necessary; and all the Superintendents have repeatedly desired to have such assistance. It is necessary to give the Superintendent the

authority of a naval force, not only in his political negotiations with the Chinese Government, but also for the management of Her Majesty's subjects themselves. If your Lordships read the papers now on the Table with attention you will see that some of Her Majesty's subjects in China threatened to make war themselves with China—to fit out vessels to cruise against the Chinese—in consequence of the seizure in the river of some of the smuggling boats. The authority of the Order in Council was necessary, as well as the naval force, in order to enable the Superintendent to deal with those persons as he ought to have done; and it is possible—I do not go so far as to say probable—that, if the Superintendent had been strengthened, as he ought to have been, by the vicinity of a naval force, in carrying on his duty, he might have prevented matters going to the extent to which, notwithstanding all his efforts (and I admit that he made all the efforts in his power), they did go. Under these circumstances, I again entreat your Lordships not to agree to the Address moved for by the noble Lord; but to vote for the previous question, which I now beg to move. This motion does not call on your Lordships to pledge yourselves in any way as to what may be done hereafter on this question; and, at the same time, it does not approve of the conduct of China. With respect to the trade in opium, I do not see that this country has any right to interfere with the Indian Government, in order to put an end to the growth of opium in their territories. But as to putting an end to the opium monopoly, that is another question. This country ought not to encourage illicit trade anywhere; but I quite agree with the noble Viscount, that we cannot interfere for the purpose of carrying into execution the revenue laws of China. If we were to endeavor to do this with respect to China, we might just as well extend our aid to Spain, or Portugal, or France, or any other country. Under these circumstances, I must vote against the motion of my noble friend, and will conclude by moving the previous question.

Amendment carried.

June 30, 1840.

GOVERNMENT OF CANADA BILL.

Viscount MELBOURNE moved the adoption of a Bill to re-unite the Colonies of Upper and Lower Canada, and for the Government of Canada.

THE DUKE OF WELLINGTON said:

My Lords, having had referred to my judgment the question of the defence of these provinces, and having been, of necessity, engaged in the consideration of their constitution, their resources, their Acts, and their actions; and having the highest regard for the people who inhabit them, and the sincerest wish to secure for them a permanent union with this country; and seeing how important that union is to the power, the influence, and the prosperity of the British empire—I feel most anxious upon this measure, and I therefore entreat your Lordships to give me your attention for a few minutes. I will first offer a few observations as to the last point in the address of the noble Viscount, where he stated that it is absolutely necessary that we should come to a decision upon this question, and finally settle the government of these provinces. Now, that is exactly the point upon which I differ from the noble Viscount. In my opinion, the time is not come at which we can with safety make that settlement. I am quite sure that you have not yet got the better of the temper which occasioned the insurrection in these provinces, nor of the desire to encourage it in a neighbouring country. I would therefore entreat the noble Lord to take full time to consider this important question before he hurries it through Parliament. I am certain, at least, that the Bill will require some further alterations in Committee; and that the Legislature of Upper Canada must be again summoned. I am convinced that your Lordships will find, before the Session is over, that you must take it on your own responsibility to suspend this measure to some future period. My Lords, I feel the greatest anxiety upon this subject. I know that I have the misfortune to differ upon it from many in this House, and many in another place, for whose judgment I entertain the highest respect. But I have observed in this country for some length of time a growing desire to get rid of our North American dominions—a desire that they should become republics. This desire prevails amongst a very large party in this country. I am aware that there are also

others, not, however, acting from the same motive, who desire that the separation should take place; tranquilly, if possible, but that, at all events, it should take place. In my opinion these gentlemen are mistaken. It is my decided opinion that, considering the resources and the power of these colonies, this country would sustain a heavy loss, indeed, if these colonies were to be separated from it. For this reason I implore the noble Lords opposite not to adopt this arrangement, if they are not quite certain, which I am sure they cannot be, that it will work for the good government of these colonies, and unless they ascertain in the first instance what will be the real working of the system which they are about to establish. Let it be remembered that, if we cannot sustain our power in the Canadas, we must necessarily lose all our dominions in North America. Looking to the varied character of these possessions, by whom they are inhabited, the great differences of religious belief which prevail amongst them, the differences, in short, of every description, they must be considered, in point of fact, as having no one common interest whatever, except in the navigation of that noble river to which the noble Viscount has adverted. But the noble Viscount seems to forget that the exclusive enjoyment of this advantage depends, after all, on Great Britain. When the noble Viscount talks of the impossibility of arranging the mutual rights of these provinces whilst they continue separate, he forgets that which is passing under his view elsewhere. The noble Viscount must know that the subject of the navigation of the Meuse and Rhine, in which most of the continental States have an interest, has recently been settled by negotiation. Let the noble Viscount therefore give to Upper Canada a good and secure communication with the mouth of the St. Lawrence, and the means of enjoying the commerce of that river, and he will not only secure the prosperity of that province, but will preserve for ever its union with this country. So long as we hold the province of Upper Canada, I think there need be little fear of a separation from the Lower province.

The union of these provinces is a subject which has already been under the consideration of Parliament. It was brought before Parliament in 1822, and was rejected by the Opposition of that day. Another decision has been lately come to by the Government of the noble Viscount himself. But I think I have seen a despatch from Lord Glenelg to Sir Francis Head,

in which Sir Francis Head was told that the union of the provinces was a subject not at all in the contemplation of the Government—in fact, that it was a subject not to be thought of. That, my Lords, was only in the year 1836, at the very period of the commencement of the discussion which led to the rebellion in one province, and the insurrection in the other, and to that condition of things which now exists. We must not, then, suppose that this is the first time that Parliament has had the subject under its consideration. It has been frequently discussed, and has been determined that the union is a measure which ought not to be carried into effect. Lord Durham has expressed an opinion in his Report in favour, not of the proposed union, but of the union of the five provinces, including all Her Majesty's dominions in North America. The facts, however, on which he founded that opinion have been contradicted by eminent authority in the Upper province, and in the Lower province by several individuals filling high situations. The union of the two provinces was mentioned for the first time in Her Majesty's Message to Parliament in the course of the last Session; to which, at first, nothing more than the usual answer was returned—that the subject would be taken into consideration when it was submitted to Parliament. The measure was not submitted originally to your Lordships, but to the other House, and was withdrawn by Her Majesty's Government. The question was never, I believe, submitted to the noble Lord on the cross bench (Lord Seaton), nor to Sir George Arthur, the Governor of Upper Canada. In truth, the latter has declared, in more than one of his despatches, his satisfaction that the subject was not to be disposed of in the last Session of Parliament. This opinion of Sir George Arthur's was recorded in the month of September or October last; and, since that time, we have had still further accounts of disturbances on the frontier, and of repeated agitation of the question of 'responsible local government,' rather than of this project of union. The noble Viscount says, that, if this union is not desired by the inhabitants of both countries, we ought not to carry it into execution. But I say, my Lords, that if this question of local government had not been—in my opinion, very imprudently—started, we should have heard very little of this union of the provinces; and if your Lordships will take the trouble to look at the Addresses that have been adopted in Canada, you will find that by far the greater part of them refer

to responsible local government, and certainly not to the question of the union. Her Majesty's Government, having thought proper to withdraw the Bill from Parliament last Session, sent out the present Governor-General of Lower Canada, with an instruction to submit the conditions on which this then contemplated union was to be formed; but we do not find that that right honorable gentleman had any orders to consult the opinion of the noble and gallant Lord now in this House, or the opinion of the people of Upper Canada. We, on the contrary, find that, on the 16th of October, a despatch was sent out directing the adoption of a new system of responsible government, the most extraordinary that was ever adopted by public men. The very man who was known as the advocate of 'responsible local government' was the man who was sent out to carry this measure into effect; and at the present moment the cry in Canada is, 'The flag of Lord Durham and responsible government.' My Lords, if we are to have the opinion of the Legislature of Upper Canada, it should be their real opinion; it should be the opinion of that Legislature which enabled Sir Francis Head to get the better of insurrection—that Legislature whose Speaker aided Sir Francis Head in commanding the troops; these are the men whose opinions should be taken as to the union of the two provinces—men who, having put down insurrection in their own province, afterwards marched into the adjoining province, and enabled the noble Lord who is now seated on the cross bench to check rebellion, and drive forth a foreign banditti who had come to burn and plunder within Her Majesty's dominions. Well, the despatch of the 16th of October went out, and an immediate change took place in the whole tone of society there. A few days after its publication, 'responsible local government' became the universal cry. It flew like wildfire over both provinces, and was adopted in the Address from the district of Glengarry, where it had never been heard before—a district inhabited by some of the best and most loyal subjects in Her Majesty's dominions.

My Lords, this demand did not proceed from what are generally looked upon as republican districts, or from those persons who have been considered as making light of their allegiance to their Sovereign, but from men who are chiefly natives of the Highlands of Scotland, and as loyal as any set of men in Her Majesty's dominions. These were the men, my Lords, upon

whom the effect of this despatch was such as to induce them to come forward with an Address in favour of responsible local government. I some time ago suspected how this case really was; and I requested that we might have laid upon your Lordships' Table the answers of the Governors of Nova Scotia, New Brunswick, and Prince Edward's Island, to the despatch I had referred to, on the occasion of its being promulgated in these provinces; and, from those answers which have just been laid upon your Lordships' Table, I find that precisely the same thing has occurred in these provinces, and that an elective council was very distinctly demanded in each, in accordance, as they understood, though I do not say so, with the terms of the despatch of the Secretary of State. The Secretary of State was therefore mistaken in writing such a despatch. Wherever it went it was received and responded to by an Address for local responsible government; and it was in that way that answers were elicited on the subject of the union. The two subjects were considered together; but your Lordships may depend that local responsible government and the sovereignty of Great Britain are completely incompatible. That is not my opinion alone. It is the opinion, also, of the noble Lord the author of the despatch of the 16th of October, and of another despatch, written with the greatest ability, on this very subject of local responsible government. Such, then, is the state of this question as it stands at present. Your Lordships have not yet got the opinion, in regard to this measure, of the Legislature of Upper Canada; of that Legislature which co-operated with this country so effectually in the war of 1812, and which, by its exertions, carried this country through a period of great difficulty and danger, and, by its vigorous efforts, raised a monument to its honor equal to that which any nation of the civilised world can boast of. It is impossible for me to express the strong sense which I entertain of the exertions which this body made on that occasion, exertions which enabled them to defend their own country, and to sustain the military honor of Great Britain, against the whole power of the United States. The opinion of such a body is entitled to great weight with your Lordships, and that opinion your Lordships have not got. If any opinion has been obtained at all, it was only after the publication of the extraordinary despatch of the Secretary of State to which I have called your Lordships' attention. But, although

such is the real state of the case, the noble Viscount has, notwithstanding, told you that the opinion of that body has been declared in favor of the union. The noble Viscount has also said that you have the opinion of the noble Lord the late Governor-General of Canada in favor of this Bill. That noble Lord, however, has not given his opinion on the abstract principle of a union. What the noble Lord has done is only what I have done over and over again; that is to say, he has given his assent to carrying into effect the details of a measure on the principles of which he entertains strong feelings of disapprobation, or in regard to which he, at all events, feels a strong reluctance to extend his sanction. I have often opposed measures in this House as strongly as I could, and have afterwards been an active party in carrying into execution all such details as were considered necessary for giving them effect. Such was the course I pursued on the question of the abolition of slavery. I opposed that measure to the utmost of my power in every stage of its progress; but I afterwards, when it became law, supported as actively as any of your Lordships all those subsidiary measures which were considered necessary to carry into execution, in the West Indies, that great measure which Parliament, in opposition to my opinion, declared to be expedient. Indeed, I have invariably followed such a course; and the noble Lord the late Governor-General of Canada has done nothing more than what I have always done under similar circumstances. The noble Lord has merely done what he was bound in duty to do as Governor-General and Commander-in-Chief in Canada; that is to say, the Government having intimated its intention to propose a measure for the union of the two provinces, the noble Lord has given his opinion upon the details which he conceives necessary to give it effect. Such is the course which the noble Lord has taken; and I, for one, regret that the noble Lord has not delivered his opinion on the abstract principle of the Bill. The noble Lord is now in this House; and he will no doubt consider whether or not he ought to express his opinion upon that principle. For myself, feeling strongly for the honor and for the advantage and prosperity of this country, and being most particularly desirous not to run the chance of losing those valuable provinces, I would entreat the Government to pause before they proceed further with this measure. I would implore the Government to consider the matter

well, and gravely to reflect and see whether it is absolutely necessary to incur the risk—and that there is a risk I think I can show—of losing those provinces by the adoption of this measure. And if there be this risk, then I would entreat the Government and your Lordships not to adopt this measure; for you may be assured that other alternatives can be devised which will answer the ends we all have in view, which will at least be safe, which will enable you to secure the Upper province, and, by securing that, to secure the whole of Canada. Let me, then, remind the Government that, by this measure, they are going to form a Legislature composed of members of three or four different nations, differing in language and religion. In Canada there are twelve different Christian persuasions, members of each of which may possibly meet in the Assembly which is to be formed under this Bill. That being the case, I ask your Lordships can you expect that there will be harmony among them? In that Assembly the influence of some one or more parties is sure to prevail; and your Lordships will remember that it was such an influence which led to the misfortunes in which Canada has been recently plunged, which actually overthrew the Government in Lower Canada, and which would have overthrown the Government in Upper Canada, but for the activity of the then Governor of that province, and the great ability and sagacity with which he conducted its affairs, and but for the loyalty, also, I must say, of the Legislature of that province. The activity and ability of the Governor (Sir F. Head), joined to the loyalty of the Legislature and of the people, saved the province at that time; but I would beg the Government not to rely on the probability of the same chances occurring if such an Assembly should be formed as will be established under the provisions of this Bill. I have now stated my opinions on this measure to your Lordships, and I do entreat your Lordships to attend to the advice of the noble Viscount opposite, to consider well the state in which this question stands, and to act in regard to it with calmness and deliberation. I recommend your Lordships to allow the Bill to go into Committee, and then to give its provisions the fullest consideration. The Bill must be amended, at least so far as to call together the Assembly of Upper Canada again; but I sincerely hope your Lordships will consider the whole measure well before you reject it on my opinion. That opinion I have formed after a long consideration of the resources of Canada, and the probable

action of such a Government as this Bill proposes. I know well that these provinces are sources of great influence, power, and prosperity to this country; and I should deeply lament if it were to suffer the disgrace of losing them. I cannot, after all the consideration I have been able to give the subject, vote for this Bill; but your Lordships in deciding on it must look to other opinions, to the opinions of other Members of this House, and of the other House of Parliament, and not to mine only. If, upon having done so, and after having fully and impartially considered this measure, your Lordships shall think proper to take the responsibility upon yourselves of passing it into a law, in God's name do so; but, for myself, entertaining the opinions I have thus expressed to your Lordships, I must say 'not content' to this Bill.

Bill read a second time.

July 6, 1840.

MUNICIPAL CORPORATIONS (IRELAND) BILL.

In Committee on this Bill,
Lord WYNFORD moved to omit Dublin from Schedule A.

THE DUKE OF WELLINGTON said:

My Lords, at this hour of the evening I shall confine myself to simply stating the grounds on which I shall give my vote on this question, which is merely that the word 'Dublin' be omitted from the Bill. The speech of my noble friend who last addressed your Lordships was against the entire Bill, and against any corporation system in Ireland; and certainly there is no man more firmly of opinion than I am that it would be better at once to decide that no corporations whatever should be re-created in Ireland. That was my opinion originally; but, however, in another place, and in the Government, a different opinion has prevailed so strongly, that I yielded my own opinion; and it is now the duty of the noble Lords opposite to take care that the bad consequences which my noble friend apprehends do not follow from this Bill. That to which I will now address myself is the amendment which has been moved by my noble and learned friend. After your Lordships have had this subject before you during five years, the corporation of Dublin

have thought proper this year to present a petition against this Bill, and to employ counsel to plead their cause in support of that petition. I must say that their cause was most ably pleaded, and I should certainly have expected that the noble Lord who moved to call counsel to the bar, or my noble and learned friend, would have thought it proper to examine witnesses in support of what was stated by counsel, if either of them had intended to found on that statement such a motion as has been made by my noble and learned friend. No such thing, however, was done; and it appears, by what fell from the noble Marquis, whose statement has not been contradicted, that the learned counsel was not supported by the facts in a great part of what he said. Therefore that speech may be put out of the question.

My Lords, I confess I should be very desirous, if I could possibly find the means of doing it, of preventing the great mischiefs which it is apprehended may be occasioned by the establishment of a corporation in Dublin. I certainly should be very sorry to see a society such as exists in Dublin at the present day, and which I hope will continue to exist there, placed under the government of such a corporation as may be elected, if great care be not taken to prevent it. I entreat your Lordships to look closely into the powers given by the law, and particularly at the powers of taxation, and to take care that such great powers be not lodged in hands which may abuse them. I, however, entreat your Lordships to consider the state in which the question stands, and not to vote for the amendment of my noble and learned friend. Let the Bill go through the Committee, and let amendments be introduced into such parts of the Bill as will remedy and avert the inconveniences which may result from lodging great power in the hands of those persons who, however they may be called responsible by the noble Lords on the other side of the House, are responsible to nothing but a wild democracy which tyrannises over every rank in society. I shall vote against the amendment proposed by my noble and learned friend, and for the reasons which I have stated. I am prepared to go into every other part of the Bill, and shall endeavor to send the Bill down to the House of Commons as perfect as it can be made.

July 7, 1840.

GOVERNMENT OF CANADA BILL.

Viscount MELBOURNE moved the Committal of this Bill.

The Earl of HARDWICKE moved, by way of amendment, that the Bill be committed that day six months.

Lord SEATON having spoken,

THE DUKE OF WELLINGTON said:

My Lords, I concurred in nearly all that has been said by my noble friend who has made this motion, whilst he stated his own opinions, and did not read from a paper those of another person. I do not think it worthy of my noble friend, after the proof he has given us of his own powers to-night, to rely on the arguments of any other individual, more especially when, as he has shown the House, he can put his own case so ably, and support it so well by his own unanswerable reasonings. But, my Lords, I do not in saying this depart from the opinion I offered to your Lordships' notice the other evening, in a former stage of the Bill before us; and more particularly from that part of it where I entreated the House not to pass the measure—not to give it their sanction, on account of the opinions expressed by my noble friend on the cross bench (Lord Seaton)—on account of the opinions of other persons abroad, or because some persons in another place, in whom it is natural that the majority of your Lordships should feel confidence, had thought and acted differently with regard to this question. My Lords, I entertain an opposite opinion to those who consider that this Bill should pass; for, my Lords, I think it is a measure entirely dangerous to the stability of the colonial Government. It has not been stated by the noble Viscount opposite that the people of Canada feel any confidence in the success of this Bill. I do not believe they do feel confidence in it; and, at all events, I am entitled to assume that such is the case from the silence of the noble Viscount on that part of the matter. My Lords, the first duty of the Imperial Legislature—the first duty of Her Majesty's Ministers—is, to secure the undisputed and uncontrolled dominion of the Crown of England in our colonies. This measure will not effect that object; and it therefore becomes necessary to see what other should be adopted. On the success or failure of this measure all depends in our North American possessions; and all will be lost if the system proposed

by this Bill shall not succeed in Canada. The papers that have been produced for the House, and the discussions that have already taken place within the last week, have tended very much to throw great light on the mode by which the expression of opinion on the part of the Legislature of Upper Canada (on which so much reliance is placed) has been obtained with respect to this system; and I really think that both afford substantial reasons why Her Majesty's Government should pause a little in this matter before they seek to hurry their measure through the House. I have already stated the other night what was the effect produced in Upper Canada by the publication of the despatch of Lord John Russell to Sir George Arthur, as reported in the despatch of the Governor-General of Canada, dated the 16th of October. But it is a curious fact, my Lords, that the despatch of the 14th of October was not published at the same time. And I believe I may venture to say, from the answer of the noble Viscount opposite, as well as from the despatches themselves, that this despatch of the 14th of October was not published at all, but was only made known to the people of Canada by means of this despatch of the 15th of October being laid on the Table of the House of Commons. My Lords, the despatch of the 16th of October was to the purport that the government of the colony was to be carried on without patronage from that time forward—'that the tenure of colonial offices was Her Majesty's pleasure;' and whereas that of the 14th, written only two days previously, negatives the principle laid down in that document—in my opinion with great propriety—it is yet not published at all. In the despatch of the 14th of October the principle is laid down. But why is it not produced publicly, the same as the despatch of the 16th? My Lords, I will tell you why. We know, my Lords, that there are two parties in Upper Canada—we know this from the despatches of Sir Francis Head, from those of the Earl of Durham, from the Report of that noble Earl, and from the despatches in question now. One of these parties is called 'the family compact,' because it is supposed to be continuously in office. It is the Tory party, my Lords; it is loyal to the Government, undoubtedly; and it was that party which principally enabled Sir Francis Head to put down the rebellion in that colony, and to expel the foreign enemy from its territories. This party would be the party affected by the despatch of the 16th of October. In reference to

that despatch, I beg leave to say that I do not object to the system and arrangement which it proposes, but to the time of its publication. I object to it on this score, because this country does not get the fairly expressed opinion of the Legislature of Upper Canada respecting the union of these provinces. There is another party, however, in Upper Canada called 'the Republican,' which is composed of refugees from the United States of America, and persons discontented with this country, both English and foreigners. This is the party whose doctrines are in favor of republican institutions and responsible local government; this is the party who raised Lord Durham's flag, and who supported his views of colonial policy. Now, this party could not be calculated on if the despatch of the 14th of October was published at the same time as its successor; and therefore the publication did not take place at all. The despatch which struck at those in office was published, because it was known it would please the republican party; but that which was opposed to their theory of government was withheld for fear of offending them. It would have told them that the responsible local government they sought was not to be granted to them; and that would have been contrary to the policy previously pursued with regard to them. The noble Viscount opposite had said so in his place in Parliament; but then his actions and his words were not coincident in respect to Canada. I ask, therefore, my Lords, why, with this despatch of the 14th in his hands, the Governor-General permitted the continuance of the cry for local responsible government, and why the Attorney-General of the province was not at once directed to put it down? But, my Lords, I will go a little further. On the 6th of December the despatch of the 14th of October was not published: and in the mean while the noble Viscount opposite comes forward with his proposition for the union of the two provinces of Upper and Lower Canada. The loyal party, on the proposition being made, withdrew all opposition to the union. The republican party were all for responsible local government and the union; but there was not a word all this while of the despatch of the 14th, nor until the 21st of January following. In the despatch of the 21st of January Mr. Poulett Thomson says, after stating that he has enclosed a copy of an Address received on the 13th of December from the House of Assembly, and his answer of the 14th of January—

'It seems to me to be extremely unadvisable to excite the public mind upon this matter.'

Mr. Poulett Thomson alludes to a local responsible government.

'The opinion of Her Majesty's Government and my own are perfectly well understood with respect to it; and, as I have had already occasion to state to your Lordship, they are generally acquiesced in.'

The allusions here, it will be remembered, are to the contents of the despatches of the 14th and 16th of October. Here, however, is the Address, together with the answer of the Governor-General:—

'*To His Excellency the Right Honorable C. Poulett Thomson.*

'May it please your Excellency,—We, Her Majesty's dutiful and loyal subjects, the Commons of Upper Canada in provincial parliament assembled, humbly request that your Excellency will be pleased to inform this House whether any communications have been received from Her Majesty's Principal Secretary of State for the Colonies on the subject of responsible government, as recommended in the Report of the Earl of Durham, or as suggested in any other manner; and if any such despatches have been received, or any by which the opinion of Her Majesty's Government upon that subject can be collected, that your Excellency will cause copies of the same to be transmitted for the information of this House.'

And here, my Lords, is his Excellency's answer:—

'*Message from His Excellency the Governor-General to the House of Assembly.*

'Toronto, Jan. 14, 1840.

'C. Poulett Thomson.—In answer to the Address from the House of Assembly of the 13th of December, respecting communications received from Her Majesty's Principal Secretary of State on the subject of responsible government, the Governor-General regrets that it is not in his power to communicate to the House of Assembly any despatches upon the subject referred to.

'The Governor-General has received Her Majesty's commands to administer the government of these provinces in accordance with the well-understood wishes and interests of the people, and to pay to their feelings, as expressed through their representatives, the deference that is justly due to them. These are the commands of Her Majesty, and these are the views with which Her Majesty's Government desire the administration of these provinces should be conducted; and it will be the earnest and anxious desire of the Governor-General to discharge the trust committed to him in accordance with these principles.'

Now remember, my Lords, the despatch of the 14th of October was all this time in Mr. Poulett Thomson's pocket. Well, my Lords, I only ask your Lordships one question on this subject.

Has that despatch of the 16th of October had a fair influence on its discussion? Wherever that despatch went, it was clearly understood to be in favor of local responsible government. It was so understood in Nova Scotia; because we have seen that, on its publication, the House of Assembly demanded the dismissal of the Legislative Council of that colony from the Governor; and because he declined it, the Assembly addressed the Crown for his removal. So it was in New Brunswick; and, in fact, so it was wherever that despatch went, without the check of the despatch of the 14th. My Lords, these are my sentiments. But, in requesting my noble friend not to press his motion, I think this Bill should be fully and freely discussed in Committee, in order that the public may know how we stand with regard to Canada. If, however, my noble friend chooses to press his motion, it will be for the House to deal with it as it pleases; but I earnestly recommend to your Lordships not to reject it upon the mere statement of Her Majesty's Ministers, nor to take the opinion of this man, or the other man, derived from aught else than a thorough knowledge of the subject and the country. I have pointed out to your Lordships the heavy responsibility that rests upon Her Majesty's Government. They ought to be pretty certain of success for this measure, when they take the responsibility of it so willingly upon themselves; but I earnestly entreat and adjure your Lordships to take into your own hands the power of suspending the operation of the system—on good cause shown—for two or three years, should it not be found to work well at the onset. Recently there have been demonstrations of hostility against England: a British steamboat has been blown up in an American port, by what is called 'an infernal machine;' and, as this feeling may still subsist, the noble Lord will look very awkwardly if he is unable to carry into execution this plan, because he may have no legal power left him in the Lower province.

Amendment rejected by 107 to 10.

July 13, 1840.

On the motion that this Bill be read a third time,

THE DUKE OF WELLINGTON said:

My Lords, I rise to state to your Lordships that I still entertain the same opinion, with regard to this Bill, to which I gave

expression upon the second reading, and that nothing which has passed since that occasion has in the slightest degree tended to alter that opinion, notwithstanding the amendments your Lordships have made in the measure in its progress through the Committee. I honestly recommend your Lordships, however, to allow this Bill to go down for further consideration to the other House of Parliament. I think it will be more safe that we should have the opinion of the other House upon this measure as it now stands, and I believe it will be prudent for Her Majesty's servants to adopt that course. With respect to the Canadas themselves, I think I can see much that ought to be found fault with in relation to the question of local responsible governments. Your Lordships, if you could not have had the opinion of the Legislature of Lower Canada, ought at least to have had the unbiassed opinion of the Legislature of Upper Canada—of that Legislature which assisted Her Majesty in maintaining her Government in that country, and in driving out what I may very properly designate the foreign enemy. Your Lordships ought to have had that opinion, unbiassed by any influence or any statements whatever; and measures ought fairly to have been taken to make known the real opinion of Her Majesty's Government, and that in the most authoritative manner, upon the subject of that question which, if it did not originate in the public Report of one of Her Majesty's servants, was at least sufficiently excited and fomented by that Report: and it is, I must say, particularly incumbent upon the successor of that noble Lord to state, in the most authoritative manner, the means which have led to the adoption of such a measure by the Legislature of Upper Canada. A circumstance, my Lords, has come to my knowledge with respect to this transaction as to local responsible government, which is of a very curious nature. It appears that some public officers of the Canadian Government retired from Toronto upon the appearance of the despatch of the 14th of October, 1839, and resigned their offices, because they could not support this measure of the Government. One of those persons was the Solicitor-General of the province. But here it should be remarked that the despatch, though dated on the 14th of October, 1839, was not published until the 13th of March, 1840, and in the mean time there was a prospect of a general election. Another person

was appointed in the room of the Solicitor-General, who resigned under a mistake, as it is said, though the publication of that despatch tended to influence his decision. But the new Solicitor-General was found notifying his intention of standing for an election at Toronto itself, and declaring himself openly to come forward upon the principle of 'local responsible government.' The Solicitor-General in Canada is an officer of the Government, but quite a different officer from the Solicitor-General in this country; and this same person still remains Solicitor-General, notwithstanding his declaration as to local responsible government, and the publication of the despatch of the 16th of October, 1839, which declared that those who differed from the Government must expect to lose their offices. What, then, must the public expect? What is to be expected in Canada or in this country under these circumstances? If a Solicitor-General, after making such declaration, neither retires nor is dismissed from his office, is it far from the truth to say that the question of 'local responsible government' was secretly encouraged by the Government of the mother country, notwithstanding the declarations of Parliament and the still more forcible announcements made in the public despatch to the Governor? Under these circumstances, my Lords, I must say 'not content' to the third reading of this Bill—at the same time recommending your Lordships to refer it to the other House for further consideration.

Bill read a third time and passed.

The Duke of WELLINGTON entered the following protest against the third reading:—

Dissentient:

1. Because the union of the two provinces of Upper and Lower Canada into one province, to be governed by one administration and legislature, is inconsistent with sound policy.

2. Because the territory contained in the two provinces is too extensive to be so governed with convenience.

3. Because the communications from one part of the country to others are very long and difficult; the difficulties whereof vary, not only in different localities and parts of the country, but in the same locality at different seasons of the year.

4. Because the expense which might be incurred to remedy the inconveniences and to overcome the difficulties of the communications at one season would not only be useless, but might be prejudicial, and render the communications impracticable at other seasons.

5. Because, even in the hypothesis that a central place is fixed upon as the metropolis and seat of Government of the United Province, and for the Assembly of the Legislature, still the communication with the distant parts of the United Province would require a journey of from 500 to 1000 miles by land or by water, and in most cases by both.

6. Because the inhabitants of these provinces, having originally emigrated from different parts of the world, talk different languages, and have been governed, and have held their lands and possessions, under laws and usages various in their principle and regulations as are the countries from which they originally emigrated, and as are their respective languages.

7. Because portions of this mixed population profess to believe in not less than fifteen different systems or sections of Christian belief or opinion; the clergy of some of these being maintained by establishments, those of others not; the Roman Catholic clergy of French origin being maintained by an establishment, while the Roman Catholic clergy attached to the Roman Catholic population of British origin have no established maintenance, and the system of provision for the clergy of the Churches of England and Scotland is still under discussion in Parliament.

8. Because these inhabitants of the two provinces, divided as they are in religious opinions, have no common interest, excepting the navigation of the river St. Lawrence, in the exclusive enjoyment of which they cannot protect themselves, whether internally, within their own territory, or externally, but they must look for protection in the enjoyment of the same to the political influence and naval and military power of the British empire.

9. Because the legislative union of these provinces is not necessary in order to render them the source of great influence and power to the mother country.

10. Because the operations of the late war, terminated in the year 1815, by the treaty of Ghent, which were carried on with but little assistance from the mother country in regular troops, have demonstrated that these provinces are capable of defending themselves against all the efforts of their powerful neighbour, the United States.

11. Because the military operations in the recent insurrection and rebellion have tended to show that the military resources and qualities of the inhabitants of Upper Canada have not deteriorated since the late war in North America.

12. Because the late Lieutenant-Governor of Upper Canada, Sir Francis Head, having, upon the breaking out of the rebellion in Lower Canada, in the year 1837, detached from Upper Canada all the regular forces therein stationed, relied upon the loyalty, gallantry, and exertions of the local troops, militia, and volunteers of the province of Upper Canada.

13. Because, with the aid of those under the command of the Speaker of the Legislative Assembly of Upper Canada, Colonel Sir Allan M'Nab, he first defeated the rebels in Upper Canada, and then aided in putting down the rebellion in Lower Canada, at the same time that he was carrying on operations in resistance to the invasion of the province under his Government by plunderers, marauders, and robbers from the United States, under the name of sympathisers in the supposed grievances of the inhabitants of the provinces of Upper and Lower Canada.

14. Because the legislative union of the two provinces, although the sub-

ject of much literary and other discussion, had never been considered by the Legislature of Upper Canada, excepting on terms which could not be proposed, or by any competent authority in the Lower Province, excepting in the report of a late Governor-General.

15. Because the bill introduced into Parliament in the year 1839, having in view a legislative union of the two provinces of Upper and Lower Canada, was withdrawn before it was completed.

16. Because the Legislature of the province of Upper Canada, which had co-operated with the Government under Sir Francis Head, and had enabled him, after getting the better of the insurrection in Upper Canada, to assist the Commander-in-chief of her Majesty's Forces in 1837 to put down the rebellion in the province of Lower Canada, was not fairly consulted upon the proposed measures for the legislative union of the two provinces.

17. Because a despatch, dated the 16th of October, 1839, having for its object the introduction into Upper Canada of new rules for the future administration of the patronage of the Government, and for the tenure of office, was made public at Toronto on some days previous to the assembly of the Legislature of Upper Canada, for the purpose of taking into consideration the proposed law for the legislative union of the two provinces, and the members of the two Chambers of the provincial Parliament of Upper Canada must have had reason to believe that Her Majesty's Government were anxious to carry through that particular measure, and that they would be exposed to all the consequences of opposition to the views of Her Majesty's Government, as communicated in the said despatch, if they should object to the Bill proposed to them.

18. Because it is well known that there is in Upper Canada a large body of persons eager to obtain the establishment in Her Majesty's colonies in North America of local responsible government, to which they had been encouraged to look by the Report of the late Governor-General, the Earl of Durham, recently published.

19. Because these persons considered that the despatch of the 16th of October, 1839, then published, held out a prospect of the establishment of a local responsible government under the Government of the united provinces.

20. Because another despatch, dated the 14th of October, 1839, appears to have been sent to the Governor-General at the same time with that of the 16th of October, 1839, in which despatch of the 14th of October, 1839, Her Majesty's Secretary of State clearly explains the views of Her Majesty's Government upon the subject of, and against the concession of, local responsible government in the colonies.

21. Because this despatch was not published, nor its contents made known, in Upper Canada during the session of the Legislature, for the consideration of the measure of the legislative union, although called for by the provincial Parliament, upon which call the Governor-General answered by the expression of 'his regret that it was not in his power to communicate to the House of Assembly any despatches upon the subject referred to.'

22. Because the Legislature of Upper Canada must have voted in favor of the measure proposed to them while under the influence of a sense of the intentions of Government, declared to be erroneous, in relation to the despatch of the 16th of October; and in total ignorance of the intentions of Her

Majesty's Government, in respect to local responsible government in the colonies, as declared in the despatch from the Secretary of State to the Governor-General, dated the 14th of October, which it appears that his Excellency had in his possession during the discussions in the provincial Parliament of Upper Canada on the measure of the legislative union of the two provinces.

23. Because it appears the French population of Lower Canada have generally declared against the legislative union of the two provinces.

24. Because the Bill cannot be considered by any as giving facility to the administration of the government of the province of Canada by Her Majesty's officers, when united by virtue of its provisions; and security in the dominion to the Crown of the United Kingdom.

25. Because the difficulties existing in the government of the two provinces of Upper and Lower Canada under the provisions of the Act of the 31st of George III., which led to insurrection and rebellion, were the result of party spirit, excited and fomented by leaders in the Legislative Assembly in each province, acting in later times, in communication, concert, and co-operation with citizens of the bordering provinces of the United States.

26. Because the union into one Legislature, of the discontented spirits heretofore existing in two separate Legislatures, will not diminish, but will tend to augment the difficulties attending the administration of the Government; particularly under the circumstances of the encouragement given to expect the establishment in the united province of a local responsible administration of Government.

27. Because a spirit had still been manifested in the adjoining provinces of the United States in recent acts of outrage upon the lives and property of Her Majesty's subjects on the frontier, and even within Her Majesty's dominions, which must tend to show in what light the spirit of opposition to Her Majesty's administration in the legislature of the united province will be viewed in the United States.

WELLINGTON.

July 23, 1840.

ECCLESIASTICAL DUTIES AND REVENUES BILL. CHURCH EXTENSION.

THE DUKE OF WELLINGTON, having presented a Petition against this Bill, said:

My Lords, with respect to the petition which I have presented from the University of Oxford, though I felt it my duty to present it, I yet am compelled to say that I do not concur in its prayer. The Bill is intended to supply a remedy for the great evil of the acknowledged deficiencies in the numbers and the support of the parochial clergy. There can be no doubt that it is

most desirable that this evil should be remedied, and that, when a plan has been framed by the highest authorities in the Church for that purpose, it should be favourably considered. It is my opinion, also, my Lords, that all the resources of the Church itself, which, by proper arrangements, can be brought to bear on this object, should be appropriated for such object before other aid is sought. This Bill having been framed with that design, I am sorry and surprised that a petition against it should have been got up in the University of Oxford; for I consider that no measure could be devised more likely to prove beneficial alike to the Church and to the public.

Petition laid on table, and Counsel heard against the Bill.

July 30, 1840.

On the question that the House go into Committee on this Bill,
The Bishop of EXETER and the Archbishop of CANTERBURY having spoken,

THE DUKE OF WELLINGTON said:

My Lords, I feel myself called upon to say a few words in reference to what has fallen from the right reverend Prelates who have just addressed the House. I cannot inform your Lordships of the precise terms of the conference which took place between myself and the most reverend Prelate; for, to say the truth, I do not recollect one word of it. But this I do know, that I never entertained but one opinion on this subject. That opinion was, that it was essentially necessary that additional measures ought to be adopted in this country for preaching the word of God to the people; and that, considering in what degree the Church of this country was endowed, it was expedient that the first step taken, in order to procure funds for that purpose, should be made by the clergy themselves.

I always entertained these opinions. When any of the right reverend Prelates opposite conversed with me on this subject I always stated these opinions. I cannot recollect on what occasions or in what words these opinions were delivered to the Most Reverend Prelate opposite; but in presenting a petition to your Lordships a few nights ago from the University of Oxford against this Bill, I said that in my correspondence with that uni-

versity I had stated the same opinions, and that latterly I had gone still further, and observed that those persons must have derived but little advantage from what had recently occurred who did not see that fresh cause was arising every day for thinking that it was absolutely necessary that the first step should be taken by the clergy themselves; and when a Commission, consisting of such men as the Archbishop of Canterbury, the Bishop of London, and their other right reverend colleagues, reported that there were means equivalent to this purpose, it was ridiculous to suppose that Parliament would not insist that those means should be resorted to before the public was called on to find other resources for this most important and most necessary service. I have listened to the debates which have been going on for the last two or three nights, and, indeed, I may say for many nights previously, on this important subject; and it appears to me that there is no difference of opinion amongst us on these points—namely, that means must be found of preaching the word of God to the people of England; and I go further—for this point is also not disputed—and I say that those means must proceed in the first instance from the Church, and that they must be exhausted before the public is called on for other means.

My Lords, in providing those means you will not only be performing a duty incumbent upon you, but you will also be following the example of every other nation in the world. It has been my lot to live among idolaters—among persons of all creeds and of all religions; but I never knew yet of a single instance in which public means were not provided sufficient to teach the people the religion of their country. They might be false religions; I know but of one true one; but yet means were never wanting to teach those false religions; and I hope that we shall not have done with this subject until we have found sufficient means for teaching the people of England their duty to their Maker, and their duty to one another founded on their duty to that Maker.

I hope that such will be the result of this discussion, and I feel infinite obligation to the Right Reverend Prelate opposite, because he has stated broadly in his speech to-night, that, if justice is done to the resources of the Church, we shall be fully able to maintain a Church such as this great country ought to maintain.

And, besides that, we shall be enabled to teach the word of God to every individual living under the protection of Her Most Sacred Majesty. That is what I most anxiously desire to see, and shall most cordially co-operate in effecting. I think that this Bill is a fair commencement of such a 'consummation' so 'devoutly to be wished,' and I hope that its enactments will be so framed before it comes out of the Committee, that they may be the foundation of something more, and tend to the effectual maintenance of the Church on its old system.

Bill Committeed.

July 31, 1840.

MUNICIPAL CORPORATIONS (IRELAND) BILL.

This Bill having been read a third time,

Lord LYNDHURST moved an amendment saving the right of the Recorder of Dublin to sit in Parliament.

After some discussion,

THE DUKE OF WELLINGTON said:

This question having been before us for so many years, and the Recorder of Dublin being an officer who, it is proved to your Lordships, has done his duty on all occasions; who sits the number of times shown by my noble and learned friend (Lord Lyndhurst); who, it is notorious, is most active, zealous, and able in the discharge of his duties, and against whom no complaint whatever has been made; the case for your Lordships now to decide is whether, only because he is a Member of Parliament, whose course is not exactly satisfactory to certain persons, he is for that reason to be excluded from his situation in Parliament, and to be branded as a criminal to satisfy that party; and yet not to be excluded in open and express terms? If you wish to remove the Right Honorable and learned gentleman from Parliament, come forward fairly, with a clause in your Bill, and say that the Right Honorable Frederick Shaw shall not sit in Parliament. Do that if you please, and then see what Parliament says to the proposition; but do not attempt to throw the responsibility on the Lord-Lieutenant, and thus get rid by a specious mode of that provision which you know would not be accepted in Parliament without opposition. This is a pro-

posal made for the first time. I, for one, shall vote against that proposition—an unjust and partial proposition, brought forward for the purpose of gratifying the disinclinations, I will not say more, of one particular party in Ireland to see this Right Honorable gentleman in Parliament—unjust and unmerited in every way, because I declare my firm belief that no public officer in the service of the State has performed his duty in a more zealous, meritorious, and able manner, or in a manner more satisfactory to the public.

Amendment carried by 58 to 42.

August 4, 1840.

AFFIRMATIONS BILL.

Lord MONTEAGLE moved the second reading of the Affirmations Bill.

THE DUKE OF WELLINGTON said:

The argument used by the noble Lord to induce the House to agree to this Bill is, that several other Bills of the same character have been already passed. I entreat your Lordships to pause and recollect that the foundation of all justice is truth; and that the mode of discovering truth has always been to administer an oath, in order that the witness may give his deposition under a high sanction. I hope your Lordships will not adopt another of those Bills which have been before your Lordships only a few days, and which suggest, in truth, nothing more than a way of enabling a witness, who thinks proper to say he has conscientious scruples, to escape the solemnity of an oath. I admit that the inconvenience of the present state of the law falls on the community in general rather than on the individuals; but, at the same time, I think that by every one of those relaxations we shake the foundations of justice. This Bill ought to have been brought before your Lordships at a period of the Session when we could have ascertained the opinions of more of the learned members of this House than are now present, and also the opinion of the learned judges, if your Lordships should have thought it necessary to call for them. The present Bill goes further than the enactments of any previous Bill, but I think it does not go far enough. It requires a previous examination of the parties before a magis-

trate; but how are the magistrates to know anything about the applicant's character?

Lord BROUGHAM: The Bill contains a provision to that effect.

THE DUKE OF WELLINGTON:

In order to preserve purity in the administration of justice, the man who wishes to dispense with the security of an oath should be shown to be a man of good character, which might be a kind of substitute for the oath. Entertaining, as I do, these and other strong objections to the Bill in its present form, I move, as an amendment, 'To leave out the word "now," and insert "this day three months."'

Amendment carried.

August 7, 1840.

ECCLESIASTICAL COURTS BILL—CASE OF JOHN THOROGOOD.

In Committee on the Ecclesiastical Courts Bill,

The Earl of DEVON moved an amendment, that John Thorogood should not be released from prison until the church-rate and costs for which he was imprisoned were paid.

The LORD CHANCELLOR opposed the amendment.

THE DUKE OF WELLINGTON said:

In my opinion this case is a very simple one, and one on which there can be no doubt as to the course which should be taken. Here is a man who has been sued for a sum of money which, it is understood, was lawfully due by him. The law renders him liable to pay that sum of money, and the law supports the proceedings against him for the recovery of it. This person could have easily avoided these proceedings by simply paying the sum of 5*s.* 6*d.*, which was demanded of him; or he could have gone into court and have had the question fairly tried whether he was lawfully bound to pay it or not, according to the laws of the country in which he resides; for, of course, he must be bound by the laws of his country as well as all other British subjects. But he has not chosen to take either course. He has said, 'I will not pay that money;' and, in consequence of his own conduct, a large amount has been incurred in the way of costs. These costs are

not matters of speculation or amusement—they are realities; they are sums of money paid for the labour of certain individuals for certain services performed in the execution of their duties, under the legal authority of the ecclesiastical courts and in this suit. Now, those costs must be paid. Were we to let the man off from paying the 5*s.* 6*d.* for the rate, that remission would not get rid of his liability for the costs; these latter must be paid, either by himself or his friends, or else they must be paid by the other party, by the lawful suitors, by the lawful plaintiffs, who had a right originally to recover the money. They are the persons who would have to pay the costs, unless your Lordships consent to insert the clause proposed by my noble friend. Somebody must pay the costs after all. But it is said that the defendant is not to pay the costs, and that he is to be let out of prison. Well, you may let him out if you please; but, surely, you would not call upon the plaintiffs to pay the costs incurred by *his* conduct? That would not be justice. That would not be fair between man and man. Not a soul in this House could be of that opinion. It is not consistent either with law or justice to throw these expenses upon those on whom the law of the country has laid the necessity of incurring them. Not they, but he who, by his own conduct, rendered the proceedings imperative, ought to be made to pay the costs. I therefore entreat your Lordships to adopt the proposition of my noble friend.

Amendment carried by 28 to 15.

[FOURTH SESSION OF THE THIRTEENTH IMPERIAL PARLIAMENT.—FOURTH OF VICTORIA.]

January 26, 1841.

THE ADDRESS TO THE CROWN.

The Earl of DUCIE having proposed, and Lord LUCAN seconded the address in answer to the Speech from the Throne, and

Lord BROUGHAM and Viscount MELBOURNE having spoken,

THE DUKE OF WELLINGTON said:

My Lords, I rise merely to express my desire to support the present Address, and my hope that it may be unanimously passed. With respect to the topics adverted to in that Address, I will say

that I am one of those who approve of the policy of the measures which have been adopted. I have viewed with no little anxiety for several years past the state of affairs in the Levant, and, if I am not mistaken, I directed the attention of your Lordships to the subject when the events occurred which occasioned the difficulty, and gave rise to such frequent remonstrances and representations from all the European powers. At the period adverted to, namely, 1831, 1832, and 1833, your Lordships were reminded of the danger to all Europe occasioned by the state of affairs which led to the treaty of Unkiar Skelessi, and particularly the danger to the two great maritime powers of Great Britain and France. I had viewed these proceedings with anxiety for a number of years, and, having been in office since, and seen the danger resulting from these transactions, I confess that I heard with the greatest satisfaction that Her Majesty's Ministers had taken the question into their serious consideration with a view to its settlement; and to apply themselves, in conjunction with the other powers of Europe, to provide a remedy for the state of things—dangerous as it was—which existed in the Levant. I have every reason to believe, from all that I have heard up to the present time, that these dangers have been removed, and that these transactions have ended in a satisfactory manner; and I cordially concur with the Noble Viscount in the hope that France will be induced to join with the other powers in carrying into effect the object they have in view, and thus securing the peace of Europe and the world.

I have heard a great deal, on this and on other occasions, of what is called the alliance between England and France. I know that an alliance existed between England and France when those powers co-operated on several occasions for the purpose of obtaining some particular object. For instance, this was the case when they co-operated for the settlement of the question of the Netherlands, and when they separated themselves from the other powers for that purpose. They co-operated, likewise, and separated themselves from the other powers, in the transactions in the Peninsula. No doubt the two countries were on the best understanding on the occasions I speak of, and that they consulted together and acted together on those several points which were subjects of general interest to all the powers of Europe. But I know of no other particular alliance existing between the two countries; and I do not think that by any temporary distrust which has arisen the situation

in which England and France were before placed has been peculiarly altered. There has been an understanding as to the general concurrence of the powers of Europe in matters of policy, affecting the peace of Europe, since the congress of Aix la Chapelle. England and France, however, acted in concert together on particular occasions, independently of the other powers, and no offence was given. But there are also instances since that time when France acted with the other powers against the policy England was anxious should be adopted. For instance, at the congress of Verona, where I had the honor of being the King's ambassador, France united with the other powers in a line of policy as to the affairs of the Peninsula which was directly contrary to that which was urged by this country. This country then differed with France in opinion as to the policy of the expedition into Spain. Was this taken as a ground of offence? No such thing. I do not see, therefore, any ground for distrust, or reason for offence, on the part of France, in consequence of the concurrence of this country with the other powers in endeavoring to effect a settlement of the affairs of the Levant. I must say that in these transactions I see nothing whatever which should be regarded as a want of courtesy towards France. I know of no ground for difference between France and this country; and I see no ground to find fault with the conduct of this country in these proceedings. I did not find fault or complain of want of courtesy at the Congress of Verona, when I was left alone by the other ambassadors. When they found that this country would not concur with them in the policy which they had determined on adopting, they did not consult me, but took their own course.

I do not think that the charge which my noble and learned friend has brought against Russia is quite borne out by the course which that power has pursued in the Levant. At the periods to which I have adverted, namely, 1831, 1832, and 1833, Russia made the strongest representations to this country, and to the other great maritime powers, and to all the great powers in Europe, to take steps to prevent the invasion of Syria by Mehemet Ali; and she foretold the consequences that would ensue if this were not done. In consequence of the neglect of these representations by the other powers, Russia felt herself under the necessity of taking certain steps, but not in time to prevent the invasion of Syria. In consequence of the advance of the army of the

Pacha, and of the victory which it gained, Russia was under the necessity of sending an army to Therapia. Therefore I feel it due to the Emperor of Russia to say that no sovereign could take more effectual pains to prevent the invasion and occupation of Syria, and thus prevent the necessity of his marching a large army to Constantinople. When I was in office in 1834-35 I saw very clearly the inconvenience which must arise from the continuance of the then state of things in the Levant, and I was in hopes at that time that the Emperor of Russia might be induced to take some measures, in concurrence with the other powers, to effect the settlement of affairs in that part of the world; for I was sure that that Sovereign must have felt the inconvenience to which he was exposed by the Treaty of Unkiar Skelessi. It was not to be expected, however, that he would give up that treaty, unless he obtained other and adequate securities for the navigation of the Black Sea; and these have now been conceded by the measure which has been adopted and the course which has been pursued. I must, therefore, under these circumstances, do the Emperor the justice to say that I see no peculiar advantage that that Sovereign has gained by agreeing to what has been done for the settlement of the affairs of the Levant. It is, then, not altogether fair to say that the Emperor of Russia was not seeking for the same object as the other powers were, but that his only object was to break up the alliance between England and France. Now I believe that the Emperor of Russia was perfectly sincere in working out the same common object with the other powers, so long as steps were taken to secure the navigation of the Black Sea. My noble and learned friend has also said, that if noble Lords on this side of the House had been in office the greatest fears would have been excited for the preservation of peace, and that the utmost excitement would have prevailed throughout the country. I will not pretend to say whether any or what degree of excitement would have prevailed if that had been the case; but I will tell my noble and learned friend that no noble Lord, nor any other man that I know, has done half so much for the preservation of peace, and, above all, for the pacification and the maintenance of the honor of France, and for the settlement of all questions in which the interests of France are involved, as the individual who is now addressing your Lordships. From the period of the year 1814 down to the last month of my remaining in the service of the King, I

did everything in my power for the strengthening and preservation of the peace of Europe, and more particularly for the maintaining and keeping up the best understanding between England and France. I repeat, that I have done more than any one else to place France in the situation in which she ought to be in the councils of Europe, from a firm conviction—which I feel now as strongly as I have ever done—that, if France be not so placed, then there is no security for the preservation of the peace of Europe, or for a sound decision on any subject of general policy. I am sure that the noble Viscount will find, if he would take the trouble to search the archives of the Government, papers written by me shortly before I went out of office in 1830 which will fully justify the assertion I have now made. I am sure that my noble friend in this House, and my right honorable friends elsewhere, who were in office with me, were as anxious for the preservation of the peace of Europe as any politicians could be, Liberals or others;—they were as anxious for the preservation of a good understanding between France and this country, and that France should be on a perfectly good understanding with all the powers of Europe, and that she should take the station which becomes her in the rank of nations, and which her power, her wealth, and her resources entitle her to. I say this much because my noble and learned friend has adverted to this point, and I did not choose that there should be any misunderstanding on the subject. I am of opinion, and I entertain the sincere hope and expectation, that the other powers will be able to reconcile France to the settlement of the affairs of the Levant which has been effected; and nothing would give me more entire satisfaction than that France should be restored to that station in the councils of Europe which she ought to hold.

Address agreed to.

February 4, 1841.

VOTE OF THANKS TO SIR ROBERT STOPFORD.

The Earl of MINTO moved the thanks of the House to Admiral Sir Robert Stopford and the officers and men under his command in the late operations on the coast of Syria.

Lord COLCHESTER having supported the motion,

THE DUKE OF WELLINGTON said:

I am anxious to express my cordial approbation of the services that have been recently performed by the navy in the Mediterranean. I am sorry that the noble Earl opposite has thought it right to advert, on this occasion, to any supposed complaints or cavils with respect to the degeneracy of the naval service. I have never heard any such charge made in this House. The noble Earl has also adverted to the time when those operations took place; and I cannot avoid expressing my regret that the noble Earl has made the remark on this occasion. That is a matter entirely irrelevant to the present question, for all that the House is now called upon to do is to record its thanks for the services that have been performed by those who were engaged in this glorious expedition. I have had a little experience in services of this nature, and I think it my duty to warn your Lordships on this occasion that you must not expect that ships, however well commanded, or however gallant their seamen may be, are commonly capable of engaging successfully with stone walls. In all my experience I remember no previous instance of any fort being taken by ships, except two or three years ago, when the fort of St. Juan d'Ulloa was captured by the French fleet; though I believe that something of the sort occurred at the siege of Havana in 1763. This capture of the fortress of St. Jean d'Acre is, in my opinion, one of the greatest achievements of modern times, and I give the highest credit to those who have performed that service. It appears that the ships of war engaged in the attack were so placed that every shot from their broadsides which missed the wall attacked, enfiladed upon the other wall, or struck it in the rear. The reduction therefore of this place was owing to a most skilful disposition of the fleet in the outset. I was greatly surprised at the small number of men who were lost on board the fleet, which I discovered was owing to the ships being moored within one-third of the ordinary distance. The guns of the fortress, about 130 in number, were laid for a greater distance, and the consequence was that the shot went over the ships. By this means not more than one-tenth of the loss which might have been expected was sustained. It is perfectly true that the admiral had a very enormous force at his command—perhaps about 500 guns—to bear against the walls of the fortress. The precision with which the fire was kept up, the position of the vessels, and, lastly, the blowing

up of the large magazine, all aided in achieving this great victory in so short a time. I have thought it right thus to warn the public against supposing that such deeds as this can be effected every day. This was a singular instance, in the achievement of which great skill was undoubtedly manifested, but which was also connected with peculiar circumstances which we cannot hope always should occur; and it must not therefore be expected as a matter of course that all such attempts in future must necessarily succeed.

Motion agreed to.

March 4, 1841.

CANADA—SEMINARY OF ST. SULPICE.

The Bishop of EXETER, in presenting a petition on the subject, went into lengthened details as to certain property alleged to have been improperly given by the Government to the seminary of St. Sulpice, in Montreal.

Viscount MELBOURNE explained the right of the seminary to the property in question.

THE DUKE OF WELLINGTON said:

I conceive that your Lordships are under great obligations to the right reverend Prelate for the light he has thrown upon this important question, and for having called your Lordships' attention to it, particularly if your Lordships should have to decide whether it would be advisable to take any additional steps in reference to this ordinance within the few days that remain for the further consideration of the subject. I must say that I do not think the noble Viscount has exactly done justice to the arguments of the right reverend Prelate, particularly with respect to that part of his speech relating to the consideration of the ordinance in the Council of Lower Canada. It is perfectly true, as stated by the noble Viscount, that in the consideration of every legislative question objections might be taken to its mode of progress in this or any other country. But then there is this difference between the supposed and the present case—that the noble Viscount has totally omitted to notice what the right reverend Prelate chiefly dwelt upon—namely, that this question was considered in Special Council, under the actual superintendence of the Governor-General, Her Majesty's representative; that all the irregularities adverted to by the right reverend Prelate passed under his view; that he was cognizant of

them all; and that it is he more particularly who has urged the adoption of this particular measure, with all the objections to its details stated by the right reverend Prelate, and to which the noble Viscount has certainly given no answer. I will enter no objection at this stage of the discussion; but I would beg to remind your Lordships that the seminary is not a legal body, for it possesses no legal property. To enable it to convey legal property it must be erected into a corporation by your Lordships; whereas if this ordinance had not been framed the property would have come to Her Majesty. Her Majesty would have conveyed it. I must confess that I was very much struck, on first reading the petition and the ordinance, at the total departure exhibited in them from the principles laid down at the Reformation. I would entreat the attention of your Lordships, I would entreat the attention of the British public, to the fact that this is the first blow struck at the principles of the Reformation—principles which have been maintained, particularly in Canada, without deviation, from the period of the conquest down to the present moment. I felt that point the moment I saw the ordinance and the petition. I certainly felt, in common with the right reverend Prelate, that it was the Governor-General, and not any member of the Legislative Council, who had brought forward this measure—the Governor-General, acting on the part of the Queen, whose rights, interests, and privileges he ought to have been the very person to maintain. That is my feeling on this question. Now with regard to all these points the noble Viscount has made no answer whatever. The right reverend Prelate stated that this has resulted from the Act of Union passed at the end of the last Session of Parliament, and called on your Lordships to pause and hesitate before you proceeded to perform your duty in relation to this ordinance. There is no doubt that all the property of the Crown, whether in possession or otherwise, was made over by that Act of Union to the Canadian Assembly. The Crown has a valuable reversion in this very property which was to be made over to the Assembly of Lower Canada. I maintain that, as the property has been made over to be disposed of by the Canadian Assembly, we have no right now to dispose of that under an ordinance, particularly under an ordinance of an unconstitutional nature, which ought not to pass on other grounds. I feel myself indebted to the right reverend Prelate for having pointed at the sources of information on this question, as well as

for the luminous manner in which he has brought the subject under your Lordships' consideration. It rests with your Lordships, after giving that motion your consideration for the next ten or twelve days, to say whether you will proceed further in the performance of your duties on the question now before you. I am one of those who think that the union of the two provinces effected last year was a premature act. I think the provinces were not prepared for it. I was, however, unwilling to press on your Lordships the adoption of my view on that occasion. I am equally unwilling to urge you to a similar course at the present moment; but I entreat your Lordships to avail yourselves of the few days allowed you for the purpose of well considering this question, for it is one which involves some of the most important principles which could come under the consideration of a British Parliament. There are facts connected with it relating to religious institutions which have remained untouched up to the present time.

March 15, 1841.

The Bishop of EXETER moved an address to Her Majesty, praying Her Majesty to withhold her assent to the ordinance for incorporating the seminary of St. Sulpice.

The Marquis of NORMANBY opposed the motion.

The Earl of RIPON also opposed the motion.

THE DUKE OF WELLINGTON said:

My Lords, in consequence of the few observations I made to your Lordships on this subject the week before last, I think it my duty to state to you the course I shall pursue in regard to the motion of the right reverend Prelate, and also to state to you the reasons which induce me to pursue that course to-night. My Lords, I entirely concur in the latter part of the speech of the noble Marquis opposite, when he says that, whatever might become of the greater portion of the property now in dispute—stated by some to belong legally to the Crown, by others to the seminary called St. Sulpice—that body has an equitable title to a part of it. My Lords, I never could feel otherwise than this. Whatever may be done with the great bulk of this property made over to Canada, I conceive that there can be no doubt in the minds of any that ample provision should be made for all equitable rights to it, and all equitable claims of which there is no doubt, and which right I

consider exists in St. Sulpice. Of that I never entertained any doubt myself; and I concluded that, if this property had been made over under the Act of Union of the Canadas, and with the concurrence of the United Assembly of the provinces, of course provision would be made for this seminary. And I confess I was of opinion that it also would have been desirable, on other grounds, that this course should be taken; because I doubted exceedingly the propriety of another establishment of ecclesiastical corporations in these days, under the ordinances before your Lordships. But, my Lords, I must confess I was not then aware of what had passed on this subject, and on similar subjects, on former occasions. I was not aware of it, my Lords, because I had totally forgotten these transactions. I must have been a party to some of them, however, for I was in the Cabinet in 1822, when Lord Bathurst wrote the instruction respecting St. Nicolet. I generally know what is passing, and I concluded that I knew all about this; but I concluded too hastily. For certainly, until I read the papers laid on the table of the House, I had no notion that the subject was one of this nature—that the Act in question was but a copy of former transactions, the originals of which lay before me. The right reverend Prelate has attempted to draw a distinction between the corporation as established in Canada by Lord Bathurst under the government of the Earl of Dalhousie, and that established by these ordinances. He has sought to make it clear that the latter is an ecclesiastical corporation for ecclesiastical objects, because reference is made in it to ecclesiastical subjects; while he has endeavored to establish in your Lordships' minds that the former was not an ecclesiastical but a lay corporation. But how stand the facts, my Lords? The former refers to precisely the same matters, in almost the same words, as the latter, and they are identical in their objects in every respect. I admit, my Lords, that I must have been a party to this transaction. I admit that the corporation in question was an ecclesiastical corporation, composed of persons, all, or the greater part of them, Roman Catholic ecclesiastics, and that it was established for Roman Catholic ecclesiastical objects, and no other. My Lords, there are, I am free to confess, many other transactions connected with this subject to which I might have been, nay was, a party, and which happened at a period later than that I have mentioned, but which had escaped my recollection. In the despatch to Lord Amherst allu-

sion is made to a list of ninety-two grievances which had been brought forward in the Assembly of Lower Canada. The instructions referable to the point now before us were directed to the object of removing one of those grievances; and no man who was a party to those instructions can say, 'I will not consent to the formation of this institution, on account of certain principles;' he could not vary so in consequence of anything that has since passed. Therefore, my Lords, I cannot now stand on the ground which I stated to your Lordships the other night had caused me to object to this ordinance, because I was a party to the despatch in question. Arrangements of the same kind have been made in Canada on previous occasions. The right reverend Prelate has spoken at some length on the enormity of the grant made to the Seminary of St. Sulpice, which, he says, at 6 per cent., would give a revenue of 30,000*l.* per annum. Now I do not suppose it is necessary to remind him of anything contained in the volumes before me on this subject; but if he reads the proceedings of the Commissioners he will see the revenue set down under various heads. I cannot now read over this part, but I beg the right reverend Prelate to observe that the ordinance provides for the disposal and ascertainment of the expenditure. Public education and religious worship are amongst the objects to which it is to be applied. He will find that the expenditure is to take place under the control and sanction of Government. Now this, I must say, is a complete answer to that part of his speech relating to the amount which he stated is placed under the control of the seminary. The expenditure is, in fact, to be under the control of Government.

My Lords, another observation made a few nights since by the right reverend Prelate produced a great impression—that relating to the disposal of this property to the Legislature of Lower Canada in composition for a civil list. It appears the ordinance was passed in Canada some two or three months before the Act of Union was passed; and it may be a question whether that ordinance is law in Canada at this moment; for it is one which requires the sanction of Her Majesty, which sanction has not yet been given. We shall therefore probably hear again of this transaction. The noble Lords opposite will decide on some remedy for the inconvenience. The Act of Parliament disposing of the property overrides the ordinance. I think therefore the right reverend Prelate might as well not put us to the inconvenience of calling on us to vote. He

might as well leave the ordinance to its own difficulties. Would he not do well to consider whether he may not be able to have the subject reconsidered, by leaving it thus to its difficulties, without now pressing it upon us? At all events, whatever course the right reverend Prelate may adopt, I certainly shall not vote in favour of his Address. I entreated your Lordships a few nights ago, when the subject of this ordinance was before us, to look carefully over the documents referred to by the right reverend Prelate—to consider the statements and well weigh the subject before you voted on it. I asked your Lordships to do so, and I have done so myself. I have referred to the documents then alluded to, and to others which were not, but which, perhaps, should have been mentioned, and as to many of which I had lost all recollection. It is therefore, my Lords, and on the conclusions at which I have thus arrived, that I feel called on to give my vote against the proposition of the right reverend Prelate, and I have deemed it proper to place before your Lordships the reasons that have determined me to adopt this course.

Motion negatived.

April 29, 1841.

PEACE ESTABLISHMENTS.

On the presentation of a petition from Bombay, for better protection to English traders in China,

THE DUKE OF WELLINGTON said:

Looking to the events of the present year, they appear to me to be exceedingly unsatisfactory. And to what, I would ask, is this owing? It appears to me that this state of things is to be attributed to improper advice. The interests of the country, in various parts of the world, have not been properly protected. If there be not a general war, we are placed in a situation which tends to it; and this arises from our having reduced our establishments far below what they ought to be, even in a time of peace. This is the true cause of the present state of things in China, and of delay and consequent misfortune elsewhere; and I much fear that circumstances will occur to cause still further regret at the course we have adopted with respect to our establishments. I told Ministers so at the time they were making those reductions in

1837. I stated to them then that they were not taking such care of their establishments as would enable them, in the event of war, to contend with success. The reduction of our establishments has been pursued in different parts of the world where we are engaged at present, and now we see the consequence.

May 3, 1841.

POOR LAWS, IRELAND—CLONMEL UNION.

The Earl of GLENGALL brought forward a charge against Mr. William Stanley, Secretary to the Poor Law Commissioners in Ireland, of having falsified certain returns made to the House, and moved that he be called to their Lordships' bar.

The Earl of WICKLOW, Lord ELLENBOROUGH, and the Marquis of NORMANBY having spoken,

THE DUKE OF WELLINGTON said:

My Lords, allusion has been made by my noble Friend to the conduct of Mr. Stanley. He has proposed a resolution on that subject, which I conceive to be very properly worded; and there is no doubt that this House must pass that resolution. There is another consideration involved in this question, arising not only out of the evidence before your Lordships, but also out of what we know from papers not yet printed, and also arising out of this discussion. My Lords, I have contended all along that it is not the conduct of Mr. Stanley, or of any inferior and subordinate person, that ought alone to come under your Lordships' consideration, but the conduct of the Poor Law Commissioners themselves. I say that they should have prevented these things. I voted for the Irish Poor Law Bill, and proposed amendments, which I believe helped to induce your Lordships to pass this Bill. I am sure that those amendments had the effect of inducing others to approve of that Bill who would not have done so if those amendments had not been introduced. I did all this on the faith and assurance, not only of the House and the Government, but of those gentlemen themselves, that it would be carried into execution on the principle stated when it was carried through the House,—namely, that the measure would be carried into execution in Ireland with the same strictness and fairness as it was in this country. In this expectation I have been altogether disappointed; and for this

reason I am determined, when I get the other papers, to read every line of them, and probe the matter to the bottom, in order to see where the mischief lies. But, recollect, there is not only this case, but several other cases before your Lordships, in every one of which there is corruption. We cannot stop here with the resolution of my noble friend. The Clonmel case is a very gross case. The noble Lord opposite has told us that the office can be but of little importance, as the salary is only from 10*l.* to 30*l.* a-year. But see what power the office gives. In this very case, let your Lordships see what happened the next day, when the brother-in-law of this individual was appointed valuator, a situation which puts the property of every man in some degree in his power. We must go deeper into this question if we wish to do justice to Ireland, and to the gentlemen who hold property in that country. We must take care that their property shall not be left at the disposal of misdemeanants, and we must make the Poor Law Commissioners do their duty.

I cannot conclude without adverting to another case, namely, the Naas case. What happened in the Naas case? A person was appointed returning officer who had been convicted of forgery in the case of an officer of Dublin Castle. He was tried and convicted—was sentenced to transportation—was, I believe, on board the hulks—but certainly was in Newgate, one of the gaols in Dublin, awaiting the execution of his sentence. This man, convicted of forgery, was the man they selected to fill the office of returning officer, an office which gave him great influence in the return of the valuator. Having assisted in the carrying of that law, I am bound to see that justice is done; and I will, if I have power to do so, see that justice is done. The noble Lord opposite, when this case was first mentioned, stated that this was not the same person, and that there was a mistake as to the identity of the man; but I stated that I had reason to know that it was the same man; and yet the Poor Law Commissioners appointed this man. When the Assistant Poor Law Commissioner is sent to make inquiries respecting the fitness of an individual, he makes his inquiry of the individual himself! He is told, as was the case in Clonmel, that there is a gentleman of large fortune of whom inquiry ought to be made; but he never thinks of asking him any question on the subject; for it was sufficient for him to know that he was the nephew of a person called the Archbishop to be satis-

fied of his fitness! My Lords, we cannot stop here; the persons on whom the House must call are the Poor-Law Commissioners themselves. Let them be taught to feel it their duty to keep a correct record of their proceedings, which they will be ready to produce at any time that the House or the Government may call for it; let them be taught to feel that the House will not permit such conduct as this; and we shall soon see an end to such abuses as those out of which the resolution of my noble friend arises. In the course of the Session, when all the papers are before us, it will be absolutely necessary to take the entire subject into consideration, and we must see what can be done to render it certain that this measure shall be as fairly carried into effect in Ireland as in this country.

Resolution, so far as regarded Mr. Stanley's attendance, withdrawn.

May 7, 1841.

CORN-LAWS.

Earl FITZWILLIAM, in presenting petitions against the Corn-Laws, expressed the opinion that the landholders utterly misconceived their true interests in supporting these laws.

Lord ASHBURTON, the Earl of WICKLOW, and the Earl of FALMOUTH having spoken,

THE DUKE OF WELLINGTON said:

Notwithstanding what has fallen from the noble Earl, I think it too bad that any one who ventures to support the repeal of these laws should repeat this system of vituperation against the landed interests upon every occasion. If the noble Earl thinks that the reduction of the duties on corn would produce no effect upon the reduction of rents, he should at least suppose that the minds of other men are as much enlightened upon that point as his own; and he might give them credit for some other motives in supporting the continuance of the existing laws, besides the desire to maintain those advantages which it is said they enjoy under these laws. If there be advantages in the possession of the landed interests under these laws—if the landed interests, as the noble Earl says, are debtors to the community on the score of these laws,—I may venture to compliment the noble Earl as far as this goes, that he is a debtor to at least as large an amount as other noble Lords who sit on this side of the

House. But whether noble Lords are debtors or not to the rest of the public on account of the existence of these laws, I cannot admit that the corn-laws are maintained for the mere purpose of keeping up high rents, and putting increased returns into the pockets of the landlords; but they have been supported for the purpose of giving protection to agriculture, and to render this country independent, with respect to its subsistence, of its relations with all countries and parts of the world. It is perfectly true, as has been stated, that that has been the policy of England for centuries, sometimes by one mode of proceeding, and sometimes by another—sometimes by the prohibition of the introduction of corn when it should be in this country above a certain price, as at the period of the peace of 1815, and at other times by encouraging agriculture through giving a bounty. The measure which was introduced in the year 1828 was one which has been supported ever since, or at least to which I have given my support; and I have urged your Lordships more than once to continue these laws until you should have succeeded in procuring the subsistence of the country from the produce of the country itself. That is the object for which the present laws are supported, and not the desire to obtain large rents. It is true, as my noble friend has said, that there is not a country in Europe in which a corn-law does not exist. If the existing laws were repealed, and the new system which is proposed were adopted—if corn were drawn from Russia and other parts of the world—results of the most serious nature to this country would be produced. Has the House never heard of the heavy duties imposed upon the export of corn from some of those countries during the late war? Have we not on evidence a correspondence between some of those countries and the merchants of Dantzic, from which it appears that the application of increased duties depends entirely upon the price of corn in England. That is not an act of war, but an act of finance; and although I do not mean to say that I agree with those who have taken the step which is proposed, I certainly do not blame them for adopting such a course, considering that it is a question of protection of the agriculture of the country, and which is raised and supported in order to encourage it to such a degree, that the country may be equal to afford the means of subsistence to its people without having recourse to foreign trade. I have no desire for my own part to discuss this question on a petition, because I think that we

shall have abundance of opportunity to inquire into its details fully when it comes fairly before the House; and I only rose for the purpose of exclaiming against the repetition of these charges which are brought forward night after night.

May 11, 1841.

The subject of the Corn-Laws having been introduced by the Earl of RADNOR, and taken up by Lord MONTEAGLE, the Earl of HADDINGTON, the Earl of GLENGALL, the Earl of WICKLOW, and Lord ASHBURTON,

THE DUKE OF WELLINGTON said:

It would be very desirable, when it is intended to bring forward subjects of this nature, that some notice should be given of that intention. If that were done, we on this side of the House would take care to have our documents in our pockets as well as noble Lords opposite; and then I have no doubt that we should be able to meet the calculations they bring forward. The noble Lord opposite (the Earl of Radnor) has read a paragraph of a speech of my noble friend (Lord Ashburton) which he made some years ago. Now, my Lords, the sentiments of that speech are perfectly true in relation to the principles of political economy in general, and I believe have been acted upon by all administrations in this country. But the first man who brought forward these opinions (Adam Smith)—which I have read as well as noble Lords opposite—excepts corn from the doctrines he has laid down as to all the other articles of our trade! In relation to the subsistence of the people, he says that we must always take care to insure that subsistence within the country itself; and accordingly he excepts corn from the several doctrines which he lays down. I confess that I have heard nothing during these discussions to alter my opinion that the corn-laws—which were adopted almost unanimously in 1828—have perfectly answered the purposes for which they were intended, and have kept the prices as steady as the nature of the commodity will allow. In this country, when we have produced corn for our own subsistence,—and it is our object invariably to produce it,—prices have been more steady than in any other country of Europe. It is my opinion, on all grounds, that these laws have operated as successfully as any laws could have done.

May 17, 1841.

The Duke of RUTLAND having presented petitions against a repeal of the Corn-Laws, and

Earl FITZWILLIAM, the Earl of RIPON, and the Earl of STRADBROKE having spoken on the subject,

THE DUKE OF WELLINGTON said:

It appears, from the papers before the House, that the official value of the British and Irish goods exported has increased, between 1829 and 1840, from 56,217,000*l.* to 102,705,320*l.*; and it seems to me that the state of our trade and commerce cannot, if the papers before your Lordships are true, be considered as at all in a bad state, either as to quantity or value. The noble Earl's statement as to the export of complete manufactured goods having diminished is a mistake. I quite concur with the noble Earl that the prosperity of the agricultural interest depends upon that of the manufacturing and other classes. The corn-laws are supported by their advocates, not with a view to the advantage of any particular interest or class of men, but with a view to render the whole country independent of foreign nations for the supply of food. This is in object in which the entire nation, and every individual member of it, is interested. I believe that those who support these laws do so with the view of promoting the interests of the people at large, and not with a view to any such dirty object as mere private advantage. From the period of the passing of the existing corn-laws up to this day, the quantity of manufactures exported has increased above 100 per cent., and the declared value during the same period has been more than doubled.

May 25, 1841.

The Earl of RADNOR drew attention to the returns of our exports, with a view to substantiate his advocacy of a repeal of the Corn-Laws.

The Earl of RIPON, Lord ASHBURTON, and the Marquis of LANSDOWNE having spoken,

THE DUKE OF WELLINGTON said:

I quite concur with the noble Marquis that it is highly desirable to consider this question on general grounds, and with reference to the interests of the whole community, rather than on partial grounds; and I hope the noble Marquis, acting on this principle,

will induce his friends to avoid the introduction into discussions on the subject of irritating and exciting topics, which, it seems to me, can only be brought forward for the purpose of raising corresponding feelings out of doors, and having a particular influence on a coming occasion. The noble Marquis finds great fault with that part of the law which I had the honor of introducing into this House, which has reference to averages. All I can say is, I hope the noble Marquis will take care to provide a legislative remedy for those evils of which he complains, if he can find one, whether the law is to remain as it is, or is to be changed for a fixed duty; for I understand that even this fixed duty is to depend in some degree on averages—that there is still to be a sort of sliding scale. I was in office during the period of the former system, when importation ceased at a fixed price, and under that system there was by no means an absence of frauds: there were some remarkably fine fortunes made under it. Indeed I fear there would be frauds under any system, but I certainly think there have been as few under the present system as under any other. With regard to the fluctuation in prices, they have been greater in Holland than in this country. Indeed I believe the fluctuations here, considering the extent of our consumption, are less than elsewhere. If the noble Marquis can discover any mode of putting an end to the frauds in averages, let him by all means propose it, whether as forming a part of a new law, if Parliament will accept a new law, or as improving the old law, if Parliament should retain the old law. My opinion is, that this question ought to be fairly discussed, with reference to the general interests of the whole community; and on such principles I am prepared to discuss it when it shall come fairly before your Lordships.

Parliament dissolved, June 23, 1841.

[First Session of the Fourteenth Imperial Parliament.—Fifth of Victoria.]

August 24, 1841.

ADDRESS TO THE CROWN.

Earl Spencer having moved, and the Marquis of Clanricarde having seconded, the Address in answer to the Speech from the Throne,

The Earl of Ripon moved an amendment thereupon, expressive of want of confidence in Her Majesty's Ministers (Viscount Melbourne's Administration).

Earl FITZWILLIAM, Lord LYTTLETON, and Viscount MELBOURNE, having addressed the House,

THE DUKE OF WELLINGTON said:

I am glad that the noble Viscount has acquitted your Lordships of the charges which have been made against you by some of his supporters with reference to the corn-laws. I am happy to find that the noble Viscount has acquitted your Lordships of charges which had no foundation; and I am sure that that part of the noble Viscount's speech must have been as satisfactory to your Lordships as it was to myself. It appears to me that the noble Viscount has scarcely given so much attention to the able speech of my noble friend near me as it deserved. There are some parts of the Address to which my noble friend makes no objection whatever: on the contrary, he concurs in them. My noble friend has done that which is by no means uncommon in the House: he has commented on the speeches of the noble Lords who moved and seconded the Address, and also on the various paragraphs of the Address. My noble friend has observed that, upon some subjects, as the state of Affghanistan and the Punjab, no information has been given to your Lordships; and he has made some remarks also on the war in China. On all these topics my noble friend has followed the common practice of those who speak on Addresses made in answer to Speeches from the Throne; but there are other parts of the Address on which my noble friend has thought proper to move an amendment, which the noble Viscount is pleased to describe as founded on light and trivial grounds. The noble Viscount states truly that your Lordships have not been much in the habit of pronouncing an opinion on abstract questions of policy and government. I have myself thought it my duty, on several occasions, to endeavor to persuade your Lordships not to make motions on such subjects, and not to give any opinion on them till they were brought regularly before the House in Addresses to the Crown, moved by the Government or their supporters, or in the shape of legislative measures. On several occasions I have gone so far as to give my support to the Government, however much I might have disapproved of some parts of their conduct; but by the present Address, questions of great importance are brought before your Lordships, not only in their principle, but likewise in their details, and those questions come before us in the unusual form of a Speech from the Throne. It was natural that my noble friend,

who thought fit to move an amendment to certain parts of the Address, should state to your Lordships the grounds on which that amendment rests. To those statements the noble Viscount has not thought it necessary at all to reply. The grounds are, first, the neglect of the finances of the country; and that the fatal consequences of that neglect were proved by the state in which the finances were found at the period when it became necessary to review them in the late Session of Parliament. During a period of five years a debt has accumulated of about 7,000,000*l.*, and there is moreover a vast deficiency in the revenue. My noble friend has stated very truly that this debt and deficiency are to be attributed to the practice adopted by Government of creating large charges by carrying on extensive operations (of which no man more approved than I did), but at the same time making no due provision for them. First, they did not employ a sufficient force to put an end to the charges incurred and the dangers run. Next, sufficient financial provision was not made by Ways and Means to make good the amount of the expense. Regular Ways and Means were not voted for the establishments kept up from year to year. A large force for the army, the navy, and the ordnance was voted from 1837 to 1841, but the regular and constitutional means of defraying the expenses were not adopted. In one case the whole charge was thrown on the East India Company, and made a debt. In another case the funds of the savings-banks were trenched upon, and other irregular means of providing the funds resorted to. Besides the failure to make good these charges, the Government thought proper to repeal large amounts of taxation, by which they reduced the revenue to such an extent as absolutely to bring about a deficiency of 2,500,000*l.* a-year, besides the debt that had been incurred.

Now I think that all those circumstances—so clearly stated by my noble friend that I am afraid lest, by repeating them, I should weaken the impression that must have been made by my noble friend's speech—form sufficient ground to support the vote to which he has thought proper to call on your Lordships to come. The noble Viscount has taunted my noble friend with making matter of charge of an embarrassment that did not take place, arising out of the French commercial treaty, which was to have been concluded; but it is undeniable that, if it had been concluded, part of the taxation of the year would have been withdrawn from the re-

venue. My noble friend, therefore, was justified in stating that as an additional instance of the want of financial foresight in noble Lords opposite; and, in my opinion, the fact is sufficient to show the incapability of Her Majesty's present Ministers to manage the finances of the country. My noble friend has stated what I consider sufficient reasons to justify the propositions he has submitted to your Lordships; but I must admit that I have other reasons for recommending your Lordships to come to this vote—reasons which I feel it my duty, although with great pain, to submit to your Lordships. In the course of May and June, last Session, Her Majesty's Government found themselves under the necessity of intimating that they intended to dissolve the Parliament. I certainly thought that the moment they chose for that announcement was rather unfortunate, considering the state of agitation into which the country had been thrown by the discussions on the corn-laws; but considering what had passed upon the subject of the Budget, and particularly of the corn-laws, in the House of Commons, in the month of May and in the early part of the month of June, I could not but think that it might have been deemed proper by the noble Viscount to avoid advising Her Majesty to introduce words into her Speech delivered from the Throne in June last, calculated certainly to excite animosity in the country upon this subject, at a period when a general election was immediately pending, and fitted to convey an opinion to the public that Her Majesty had a strong feeling upon the subject, that—

'The trade, the industry, and the burdens upon the community were materially involved in the question of these laws, and that Her Majesty had no other view in the dissolution of her Parliament than the desire of securing the rights and promoting the interests of her subjects.'

I know it has been said that upon former occasions the sovereigns of this country adopted the same course, and dissolved their Parliaments with the view of obtaining the opinion of the people upon certain questions of general policy. It may be said that former sovereigns have used even stronger language than this. I beg leave to deny the fact.

Viscount MELBOURNE: I beg you will refer to the language used by George III. in 1784.

THE DUKE OF WELLINGTON:

I beg your pardon, I have it here; I will read it to your

Lordships, and beg you will observe the difference between the Speech of George III. and that delivered by Her Majesty from the throne in July last: the language is very different:—

'On a full consideration of the present situation of affairs, and of the extraordinary circumstances which have produced it, I am induced to put an end to this Session of Parliament. I feel it a duty which I owe to the constitution and to the country, in such a situation, to recur as speedily as possible to the sense of my people, by calling a new Parliament. I trust that this measure will tend to obviate the mischiefs arising from the unhappy divisions and distractions which have lately subsisted; and that the various important objects which will require consideration may be afterwards proceeded upon with less interruption and with happier effect. I can have no other object than to preserve the true principles of our free and happy constitution, and to employ the powers intrusted to me by the law for the only end for which they were given—the good of my people.'

Begging the noble Viscount's pardon, the case of George III. was a matter entirely within doors: it was confined exclusively within the House of Commons. It was a dispute, in the House of Commons, on a question of prerogative on the one hand, and privilege on the other—a question on which every man in the country might feel an interest, but a question nevertheless exclusively confined within the House of Commons. Like every question discussed in that House, it would be known to the public, and very likely there would be partisans on both sides who might feel anxiety on the subject; but I am quite certain your Lordships will see the great difference between the terms used on that occasion and those employed by Her Majesty in explaining the object of the dissolution which took place on the day of the prorogation in July last. But there is another circumstance connected with this subject which I confess has given me the greatest concern: it is, that the noble Viscount should have permitted himself to advise Her Majesty to make this Speech. I have always considered that the noble Viscount has rendered the greatest possible service to Her Majesty. I have reason to know that Her Majesty herself is of opinion that the noble Viscount has rendered her the greatest service, not only as a public servant engaged in the conduct of affairs, but in the assistance he has given Her Majesty in making her acquainted with the laws, policy, and system of government of this country. It is therefore peculiarly the duty of the noble Viscount to watch over her and protect her. The noble Viscount ought not to have embarked her Majesty's name in this cause, as was done

in the Speech from the Throne in July, and still less in that delivered by the Lords Commissioners this day. The laws which regulate the trade in corn are characterised, in the most invidious manner, as 'aggravating the natural fluctuations of supply, embarrassing trade, deranging the currency, and, by their operation, diminishing the comfort and increasing the privations of the great body of the community;' and Parliament is called upon to say whether such are not the characteristics of these laws? I am sorry that this has been the case. I respect the noble Viscount on account of the service which I have reason to believe—which indeed I know—the noble Viscount has rendered to Her Majesty; but I do wish the noble Viscount had avoided involving her name in such questions. I must take leave to say that the noble Viscount, in giving the country reason to believe that those who are opposed to the repeal or alteration of these laws are opposed to Her Majesty, has acted most unjustly. I have heard the noble Viscount himself deliver opinions in this House in support of these very corn-laws, not much more than a year ago. Certainly not fourteen months ago I heard from the noble Viscount the strongest language that I had ever heard from any man on the subject of these laws, and upon the danger even of this very proposition of taking them into consideration; and much more, the noble Viscount declared, and appealed to God in support of that declaration, that he thought the man must be mad who should bring forward such a proposition. The noble Viscount has undoubtedly a right to change his opinions if he think fit: he has given me no pledge on the subject, and I am quite sure that the noble Viscount would not change his opinion unless he felt that he had good grounds for doing so. I have read, I believe, the Report which has induced that change of opinion; but what I say is, that, before we are charged, and before the country is charged, with opposing the wishes of Her Majesty in this matter, the noble Viscount ought to have given Parliament and the country an opportunity of acquiring that knowledge which the noble Viscount imagines he himself possesses.

I have seen many important alterations made in the laws of this country in respect to its finance, to its commerce, and to its trade. I was in this country when the alteration or restoration of the standard of currency took place. I was in this country when the inquiries into the China trade took place. I have also seen other important

commercial subjects discussed in this country. But how were they discussed, and how was the knowledge brought before the public to enable the people out of doors to judge, and to enable your Lordships and the other House of Parliament to judge, of the necessity for making the proposed alterations? By the formation of committees, consisting of the first men of both Houses of Parliament and of the country, of the leaders in debate, and of men qualified to judge upon any subject they might be called upon to inquire into; and it was by knowledge so obtained that men became acquainted with the necessity for those great changes, and were enabled to judge of the consequences and effects of them But what has been the course taken in respect to the corn-laws? What inquiry has been instituted? None whatever, by the Government. A gentleman, indeed, a member of the other House, thought proper to move for a Select Committee of the House of Commons to inquire into the state of the import duties. Your Lordships are aware that there is a party in this country called the Anti-Corn-Law League, consisting of some few Members of Parliament certainly, and of many other persons who are not Members of Parliament; and when the Committee was moved, a noble friend of mine, perceiving that the terms of the motion were somewhat vague, said,—

'The Committee appears to be very comprehensive, and perhaps the Right Honorable Gentleman opposite (the President of the Board of Trade) will state whether the inquiry is meant to extend to the corn-laws?'

Now what was the answer of Mr. Labouchere? It was this:—

'It is scarcely possible for me to answer the question put by the noble Lord, and it is not very easy to see to what points the inquiry will limit itself. I imagine the object of the honorable member is'—

What do your Lordships suppose? Not to inquire into the operation of the corn-laws upon the commerce of the country, but—

'to classify the information to be procured, and to state to the House the duties levied on commodities imported into the United Kingdom. I think that the Committee will be very usefully employed in an inquiry of this kind.'

These were the words of the Minister of the Crown on the subject. Then we had the Report of this Import Committee, but which has not brought before the public one-tenth of the information which ought to have been brought forward before such Committee. The inquiry was *ex parte*, and the Report of the Com-

mittee is therefore one upon which no measure ought to have been founded. What I say is, that the noble Viscount, before he put those words into the Speech from the Throne—before he charged those who felt it their duty to differ from the noble Viscount with being opposed to Her Majesty—should first have given us all the information it was possible to obtain on this important subject, and then have left it to be judged what ought to be done. I think enough has been shown to induce your Lordships to conclude that noble Lords opposite do not possess the confidence of the country sufficiently to enable them to carry on the government. I would say one word as to the subject of this Budget, which has attracted so much of the public attention, and on which we are called upon now to deliver an opinion. And, first, as regards the timber duties. I cannot help feeling that, before the noble Lord attempts to renew this proposition for their alteration (for it is the renewal of one that was made by a noble Earl some years ago), the Government ought to have remembered the situation in which our North American colonies are placed at this moment; whether the Government there have not sold vast tracts of land covered with this American timber since the period at which the noble Earl's proposition for an alteration of the duties was brought forward; and if so, it will be for your Lordships to consider whether the purchasers of those tracts of land would not be fairly entitled to compensation for the loss they would sustain in consequence of the alteration, if it were to be carried into effect.

Then with respect to the sugar duties. I must submit it to your Lordships to consider whether the planters in the West Indies would not also be entitled to be compensated for the loss they would sustain? Again: have not many persons been induced, in consequence of a measure which passed in a recent Session of Parliament, to believe that it was an object with the Government of this country to encourage the introduction of saccharine matter, the produce of the East Indies—of sugar, of molasses, and of rum from the East Indies into this country? If so, capital to a large amount must have been laid out in the cultivation of sugar in those countries; and, of course, those persons who have laid out their capital, having been encouraged thereto by the Government, would have a just claim to be compensated for the loss they might sustain from the change proposed to be made. There is another difficulty, which is, that the Government appear to have left out of

their consideration altogether all the various points that will form the subject of negotiation with the Government of the Brazils. Besides the questions of slavery and the slave-trade, adverted to by the noble Earl opposite, there are questions arising out of the construction of treaties—treaties relating to the slave-trade, entered into, but as yet not carried into execution. And is it the part of the Government of this country at once to throw away the advantages of negotiation in order to carry out certain new measures with regard to our commerce, and measures with regard to trade, which, I will say, require much regulation and much consideration before they are adopted? All these points the Government have forgotten. With respect to the corn-laws, I shall not now urge my opinions upon that subject; but those opinions I shall be ready to discuss when the question is fairly brought forward by a Government possessing the confidence of the Queen's Parliament. In the mean time I would earnestly recommend your Lordships, for the sake of the people of this country—for the sake of the lower orders of that people—not to lend yourselves, in any way, to any measure that may tend to destroy the cultivation of the country. That cultivation is most important to all parties, and so also is the encouragement that should be afforded to it. I have passed great part of my life in foreign countries and in different parts of the world, and this is the only country I have ever known in which a poor man, if he have only industry and honesty, can acquire independence and competence. We have instances of this every day. We have instances, every week, of persons in the lowest station of life acquiring a competence—many of them acquiring immense riches; and I can safely say that I have never seen or heard of such a thing in any other country in the world in which I have been. I earnestly implore your Lordships not to lose sight of that fact, and not to pass a measure which in your opinion might discourage and injure the cultivation of the country. I earnestly entreat your Lordships to avoid any measure or any act that would tend in any way to decrease the present amount of cultivation in the country.

Amendment carried by 168 to 96.

Viscount MELBOURNE's Administration resigned office on August 30, 1841. Sir ROBERT PEEL acceded to office September, 1841, the Duke of WELLINGTON being in the Cabinet without office.

February 17, 1842.

POOR-LAW CHAPLAINS, IRELAND.

The Earl of CLANCARTY having moved for certain returns connected with the Poor-Law Chaplains in Ireland,

THE DUKE OF WELLINGTON said:

I certainly, in the few words I am about to address to your Lordships on the motion of the noble Earl, shall endeavor to avoid as much as possible adverting to the delicate and important topics which the noble Earl introduced into his speech; but I do think that the noble Earl, instead of confining his motion, which I may call a fishing motion, to the returns which he has sought, ought to have given notice of his intention to move your Lordships to lay a Bill on the Table to repeal that part of the Irish Poor Law Act; for the whole of the speech of the noble Earl was, in point of fact, but a complaint of that particular clause of the Irish Poor-Law Act. He ought, consequently, to have given notice of his intention to move a repeal of that clause. We cannot, I say, approach this subject without adverting to topics of great delicacy. I consider this to be a case which ought to be left in the hands of Government, and that was the recommendation I gave to the noble Earl. Instead of that, the noble Earl has brought it forward here, and, instead of bringing forward a motion for the repeal of the Act, he has brought forward this present motion, for which he has not shown any grounds. He may have shown grounds for the first part of his motion, as to the members appointed; but with regard to correspondence and minutes of conversation, and all those matters, no ground whatever has been laid, except the noble Earl's recollection of conversations which he himself held, and I hardly think such recollections of conversations are grounds for such a motion as this; and my disposition, therefore, is to move the previous question on the whole of the resolutions. Just look how the case stands in the English Poor-Law Act, which was the model for this Act. In that Act there is a clause enabling the Poor-Law guardians to appoint a clergyman of the Church of England to be chaplain of the workhouse. The Legislature had this Act fully before them when the Irish Poor-Law Act was passed, which Act contained a power to the Poor-Law Commissioners to appoint, not a clergyman of the Church of England, as in the other case, but three chaplains—one a clergyman of the

Church of England, one a minister of the Protestant dissenting persuasion, another a clergyman of the Roman Catholic dissenting persuasion—three to each workhouse, and to fix such salaries for them as they should think proper. And not only this, the Legislature had before them the Irish Gaol Act, under which the grand jury had the power of appointing three chaplains to the gaol, and of giving them certain salaries stated in the law. This had been passed many years, and its working had been well understood before the Irish Poor-Law Bill was passed. But this is not all that is to be said with respect to the provisions of the Irish Gaol Act. That Act provides that each clergyman shall in turn, besides spiritual duties, perform certain specified duties in the gaol, and make out and keep certain specified accounts, and this explains the special enactments in the Gaol Act with respect to the salaries of the three descriptions of clergymen. Yet the Legislature, having this law in full cognizance at the time, thought proper in the Poor-Law Act to leave to the Irish Poor-Law Commissioners the discretion of allotting as they thought fit the salaries of the different descriptions of workhouse chaplains. With regard to the parties for whom the spiritual duties of those chaplains were to be called into requisition, no doubt the Poor-Law Commissioners thought one class would be pretty numerous; of another class it was doubtless thought there would be great numbers; whilst of the third class fortunately there would be but few. A difference of the respective numbers, too, would prevail in different parts of the country. One general rule, therefore, could not answer, and it must be left to the discretionary power of the Commissioners, to whose discretion many other matters were also compelled to be left; and on this, perhaps, as well as on other points, sooner or later, some law will, I hope, be introduced to regulate the exercise of that discretion. With respect to the present instance of the exercise of that discretion, so far as I have heard of it, I believe it to be perfectly proper. The duty to be performed is a spiritual duty in the very parish in which these clergymen reside. The duties to be performed are in many instances very extensive, and in others still more extensive. And what was the rule the Commissioners laid down with respect to these salaries? It was this: that the maximum salary should be 65*l.* a-year, and the minimum 25*l.* a-year. The circumstances of that country render it necessary to assemble large bodies of persons in work-

houses, in order to administer to their relief. It is desirable to afford them the benefit of spiritual instruction, and the public are willing to defray a part of the expense which may be incurred for that purpose. If there are one or two individuals of a particular persuasion in a workhouse, can it be pretended that it is fit that for them the same sum should be expended as for a larger number—that as much is to be paid to the chaplain whose only duty is to attend on them, as to him who has to attend to nearly the whole number in the workhouse? Your Lordships cannot think that such should be the case, and will agree with me that it is most proper to move the previous question for the present, leaving it to the noble lord to bring forward a Bill for the repeal of the clause, when he will have an opportunity of stating the views he entertains upon this subject, and when he may make his motion as a foundation for his Bill.

Motion withdrawn.

April 19, 1842.

CORN IMPORTATION BILL.

On the question that the order of the day for going into Committee on the Corn Importation Bill be read,

Viscount MELBOURNE moved a resolution in favor of a fixed duty upon Corn.

The Earl of RIPON opposed, and

The Earl of CLARENDON supported the resolution.

After some discussion,

THE DUKE OF WELLINGTON said:

The noble and learned Lord (Brougham) who has just sat down says that this tax pressed on the food of the people. That assertion may be abstractedly true; but the question before the House has no direct connection with it. The noble Viscount (Lord Melbourne), in bringing forward his resolution, never contemplated leaving the agriculture of this country without some protection; particularly at this moment, and considering the state in which this country has been for some time. The noble Viscount thinks the best mode of protecting agriculture is according to the measure proposed by himself and his colleagues at the end of the last Session of Parliament, instead of the Bill as proposed in the other House of Parliament, and also submitted to your Lordships

by my noble friend near me. The noble Viscount looked at this, and very properly looked at it, as a corn measure; as a measure for regulating and protecting the agriculture of the country. The noble Lord himself, and other Lords, looked upon it as a commercial measure, and argued both the measure of my noble friend, and that proposed by the noble Viscount opposite, as commercial measures. The noble Viscount who has addressed your Lordships lately in a very able speech has argued it upon all grounds, financial as well as others; and he has in a certain degree been replied to by my noble friend who has lately spoken; but, my Lords, that which we have to discuss to-night is what is the best mode of giving to agriculture that description of protection which appears to be generally understood in this House and in the country to be necessary. To those who entertain this opinion there are few exceptions. The noble and learned Lord who has lately addressed you is one. The noble Baron (Lord Western) is one of those who consider that corn ought to receive protection; and he objects to this measure as likely to be the cause of corn losing that protection; but the question which we have before us to-night is to consider what will be the best mode of giving protection to agriculture. I confess, my Lords, I have always considered a graduated scale as the best mode of protection for the internal agriculture of the country; a scale of duties levied upon the importation of foreign corn, varying in amount according to the price of corn in the country at certain periods, to be ascertained by averages. It is perfectly true, that under the Act which is now, I hope, about to expire, great frauds have been practised in taking the averages. Possibly the scale of duties gave occasion in some measure to those frauds; but I believe there can be no doubt whatever that great frauds have been committed, and great complaints also have been made of the law in consequence of the existence of those frauds. Other complaints also have been made of the law, and for that reason I have consented to the adoption or the proposition of this law, and I hope this law is so framed as to be free from the objections made against the other; that the averages will be more honestly taken and given to the public than they were heretofore; that the graduated scale of duties has been improved, so far as to avoid giving facilities to the practice of frauds, and at the same time to afford an adequate protection to agriculture—a protection which will give a price in this country nearly of the

same amount as it has been known to be on an average of the last thirteen or fourteen years since the passing of the law which is now about to expire—that price which has been taken as the average according to which a final arrangement ought to be made and constituted as the law of the country. My Lords, I say that, considering the arrangement has been made with the sanction of Parliament and the Government at a particular time, it is expedient, in considering the corn-law of the country, and in making an arrangement for the supply of food to the people, it is desirable to consider that the arrangement has been made between these two sets, and not to allow, certainly, of such changes as would make any material alteration in the fundamental principles and provisions on which that arrangement was carried into effect. My Lords, I am one of those who have always considered that the law of the 9th George IV. has acted beneficially in attaining the objects which those had in view who recommended it to Parliament. The principle had been recommended some years previously to the adoption of the law of the 9th George IV. It had been proposed during the administration of my Lord Liverpool. The principle was recommended in the administration of Mr. Canning; and a law was proposed on that principle, and the principle finally carried into effect in 1828, by the Act of 9th George IV. I say that that measure has acted beneficially, according to the views of those who introduced it, in preserving the price of corn at a steady rate, from the period of its enactment nearly up to the present moment; for, notwithstanding what has been said by the noble Viscount at the table, I contend that the price of corn has been as steady in this country as it has been in any other part of the world. Of course there have been variations. In any article which must vary according to the seasons, and the great element of the value of which is its quantity, the price must vary every year; but I say that the variations in price have been as little as they have been in any other part of the world. The noble Viscount has stated that the variations in other parts of the world have been occasioned by the variations here; but I say, my Lords, that the noble Viscount, in saying that, stated that which he cannot exactly prove. There are parts of the world in which variations of price are given, as having occurred, between which and this country there is no relation whatever in corn. For instance, France. There is no relation between this country and France

whatever with respect to corn. There are other parts of the world with which we have very little intercourse in corn. There is very little intercourse of that nature between this country and Holland; and there are variations in Holland. The price of corn in Holland stands very much on the same ground as in this country; a great deal is grown, and a great deal is also imported. At Rotterdam it depends solely on commerce; at Amsterdam a great deal of corn grown in the country is consumed, as well as a great quantity imported. Therefore, the corn trade in Holland stands pretty nearly on the same grounds as in this country; and the fact is (I am arguing against the statements that variations of price here have been the cause of the variations in other parts of the world), it cannot be any such thing, and the noble Lord said what he had no authority for; because, in many places with which we have no communication, variations have occurred. In any of these cases there can be no communication between this country and those countries in which these variations take place. Therefore I say that the Bill has produced as steady a price in this country as has been known in other parts of the world. Go where you will, go to the United States, go to Russia, go to Prussia, or to the other parts of Europe, go where you will, and you will find a great variation of price, a variation exceeding that existing in this country.

But, my Lords, then the noble Viscount who spoke lately has thought proper to announce an opinion regarding the sliding-scale, which he calls an absurdity. The noble Viscount may have very good reason for stating so; but, begging the noble Viscount's pardon, it has always been known in the corn-trade of this country. There was a corn-law in this country previously to the year 1794. That was a corn-law also depending on a graduated scale of duty—depending on the state of prices in this country. It has been invariably the case, and it is applicable to every article the quantity and quality of which depends on the state of the seasons. I sa that a price graduated according to the price existing in the home market is actually necessary in order to be able really and truly to give protection. Now, my Lords, the noble Viscount opposite, and the noble Lord who has supported him, insist upon it that a fixed duty would answer the same purpose. My Lords, I will not now complain that we have no knowledge of the proposed amount of fixed duty. I argue for the principle. The amount would doubt-

less have some effect on the question; but what I contend is, that a fixed duty could not be maintained at a time when prices became high—a circumstance which is so strongly felt that I understand recently, when the question was discussed in another place, the noble Lord who discussed it there admitted that when prices came to a certain rate it would be absolutely necessary to reduce the duty by degrees, which is by gradation in proportion as the price should approach the highest price at which corn ought to be sold in this country. But, my Lords, I say that a fixed duty when corn comes to be at its maximum price, which I take to be 70*s.* or 72*s.*, a fixed duty in that case is very much like that state of legislation in which corn is protected by a prohibition till it comes to a certain price; in short, as it was during the period when the law of 1815 was in force—that is, when the price approached 80*s.*, the ports were to be open. My Lords, I have had a little experience in office in this country, and I confess I should be very sorry to see similar circumstances existing in future of which I have seen the example heretofore. My Lords, on several occasions, notwithstanding that the law required that the ports should continue closed till the price came to a certain amount, I have known the Government under the necessity of opening the warehouses, allowing the corn therein stored, and kept under lock and key, to be sold in the market, as those who should administer the Government under the system of a fixed duty would find themselves under the necessity of doing, and of allowing the corn to come out of the stores without payment of duty. When it should come to be beyond a certain price—when it should approach the price of 70*s.*—the duty, I say, could not be maintained, and the Government would be under the necessity of doing that to which I have seen Government driven heretofore—of opening the doors to set free the corn which should there remain till the payment of the duty. Then, my Lords, I maintain those that apprehend that a fixed duty could not be maintained are quite right; for there is the example of what was the course pursued when the law was in a similar state to that in which it would be under the system of a fixed duty when the price should be high. Now the advantage, my Lords, of a sliding-scale is that it executes itself. The price of corn is ascertained by averages published in the Gazette, and the law executes itself. As the price rises, the duty falls, and comes at last to nothing; the Government need not interfere in any way at all. In the other case the

Government would be called on to interfere. The noble Viscount said just now that the Government would not be required to interfere; that the consumer would gain nothing by the matter; that the person who would gain would be the proprietor of corn. That is exactly the case, my Lords. I am afraid that suspicions were entertained with regard to these transactions to which I have referred, during the period when the law of 1815 was in existence. It was suspected that large fortunes were made, and that the Government were parties to it. There was certainly no foundation for the suspicion; but we ought to take care not to adopt a system of laws which may place the Government in the state of being obliged to adopt such measures, and thus to become liable to such unfounded suspicions. I therefore contend that, as a measure of protection, the fixed duty would become nugatory; and those who, like the noble Viscount, to do him justice, wish to see the existing relations between landlord and tenant maintained, should take care lest they expose themselves to disappointment by adopting a fixed duty based on a graduated scale varying according to price.

We have heard of the interference of the corn-laws with the commerce of the country. My Lords, I have no reason to believe, and the documents laid on the table give no reason to believe, that such is the fact. No man laments more than I do that the commerce and manufactures of the country should be in a state of embarrassment; but I believe that, if the corn-laws were repealed to-morrow, not a yard more of cloth or a pound more of iron would be sold in any part of Europe, or the world, over which this country does not exercise control. The states of the greater part of Europe have adopted measures to encourage manufactures. These measures had not been adopted, as is stated by some persons, in consequence of the English corn-laws. They are to be attributed to the feeling excited by this country in the course of the last war, by its great and noble exertions, and the power and expense which it exhibited on all occasions. Those who contemplated these exertions, and those who were relieved and assisted by them, thought that they might as well follow the example of such a power, and establish and encourage among themselves a system of commerce. They followed our example, and they established for themselves manufactures and commerce. I believe that in those countries, do what we will with the corn-laws, repeal even all duty, we may

purchase their corn with our money, but as to getting it by way of barter, or selling to them a yard of cloth or a pound of iron, or any other article of merchandise, it is out of the question, except under special conventions and bargains respecting our commerce. In respect to the commerce and manufactures of the country, I must say that the state in which they appear to have been hitherto, according to the papers laid on the table of your Lordships' House, is no proof of the injurious operation of the corn-laws. Since 1828, the period at which this law was enacted, the exports of the produce of the looms and forges of this country are ascertained by the accounts of the official value, which is the only way of judging of them, to have been nearly quintupled. It is true that individuals connected with manufactures are in distress. I have been concerned to read the Reports of the Commissioners who inquired into the state of the handloom weavers, and also the Reports of the conversations which have occurred between some of my honorable and noble friends and certain gentlemen who were lately in this metropolis on the state of the commerce and manufactures of the country. If any man reads these Reports, and considers the statements in them, he will see clearly that the distressed state of the manufactures is to be attributed to anything except the corn-laws; and that it is to be attributed chiefly to the increase of machinery, which has come into competition with individual manufacturers, put them out of employment, and reduced their means, and not to the price of corn and state of the corn-laws. My Lords, I do not complain of machinery. I consider that machinery has advanced the manufactures of the country, and has been the cause of the state of the export returns to which I have just adverted; but we must not conceal the fact that in their progress towards the state of improvement they have reduced individual manufacturers, and that the improvements in machinery, which are continuing daily, is one of the causes of the competition which exists, not only between one part of the country and another part, and one town and another, but between individuals in each town, so that it is difficult to find markets to take off all the merchandise and manufactures which are produced by this machinery. Those countries which are supposed to be now become the rivals of this country in consequence of the state of our corn-laws, have found markets for the produce of their manufactures through the political operation of measures of ours, and not by means or in consequence of the corn-laws.

They have found markets in the Southern American States. Nearly about the time those manufactures were established in Germany, Prussia, and elsewhere, the Southern American States declared their independence, and that independence was recognised by this country and the United States. Immediately after we had recognised their independence their ports were opened to the merchandise of Germany and Russia. Markets were thus found for those manufactures which were established on the example of our own, and not by the existence of the corn-laws.

I shall now say a few words as to the views of those who desire that we should depend solely upon our own supply of provisions for the people of this country. I am one of those who have always wished that the agriculture of this country should be promoted as far as possible, with a view to render this country as independent as it could be of supplies from foreign countries. I know that, with our population increasing as it does every year, and increasing also as it does in wealth, it is impossible to expect that we should at any period have our agriculture in such a state as to enable us to rely upon it exclusively for the supply of our wants; but I beg your Lordships not to lose sight of the necessity of maintaining the prosperity of the agriculture of the country, and your Lordships must never forget facts which are important to this part of the question. The noble Viscount (Melbourne) has compared the state of the country to the state of the Romans and Athenians in former times. I beg your Lordships not to look quite so far back. You will find an example more analogous to the question in the situation of this country within the last few years. If I mistake not, you have on the records of this House an instance of one sovereign in Europe levying a duty on the export of corn from his dominions, purposely because he found the price of corn was high in this country. I beg your Lordships also to recollect the state in which the great source of supply, Poland, was during the whole course of the late revolutionary war in Europe. I would have your Lordships recollect what was the state of Poland only in 1830 during the insurrection in that country. I would have your Lordships recollect that your supply of corn depends upon the tranquillity of the people residing upon two or three of the large streams running into the Baltic. I would have your Lordships recollect that only last year, when this country was in want of a

supply of corn, the supplies of corn were nearly at the same time required in different parts of Russia, and that proclamations were issued forbidding the export of all sorts of grain from Russia. These are circumstances which I beg your Lordships to bear in mind in deciding upon this question; do not imagine that you can at all times have, from all parts of the world, all the corn that you may require. I do not mean to say that you should depend solely on your own resources. On the contrary, I know you cannot go on without having a supply from foreign sources of at least 1,000,000 of quarters annually; and in all probability the necessity for such supply will go on increasing to a still further extent; but I entreat your Lordships to provide for the prosperity of the agriculture of the country, to maintain it in the state in which it has been for the last fourteen years, and not to imagine that you can venture to rely entirely upon the supplies which you may derive from other parts of the world.

There is only one other point to which I wish to advert, and that is the influence of these laws upon the state of the currency of this country. It is perfectly true that, when large sums of money are required to be exported from this country at a period in which the Bank is in a state of difficulty, in exchange for foreign corn imported, the sending out of those large sums of money must aggravate the difficulties of the moment; but I believe that it remains to be proved that the state of the corn-laws has been the cause of many of these inconveniences. I believe that they have been produced by other circumstances. I certainly admit that, if large sums of money are required to be sent out of the country in payment for foreign corn, the difficulties of the Bank must be aggravated; but I really believe that it will be found that foreign corn, under the system of the graduated scale, is always in the course of being imported into this country; and the demand for corn—that is to say, the demand for the introduction of foreign corn into the home market by any failure of the English harvest, or from any circumstances giving rise to an extraordinary supply of corn in any particular part of the country—does not require the transmission of any large sums of specie to foreign countries. Whatever foreign corn may be required is introduced into the market simply by opening the doors of the magazines and storehouses. It is paid for by the internal currency of this country. It is true that to replace it would require the transmission of money

abroad, but that is done by degrees. It is not proved that the introduction of large quantities of foreign corn into the consumption of London at certain periods has at the same time required the transmission into foreign countries of very large sums of specie. Therefore I contend that here again there is no ground for opposition to the graduated scale. The old law appears to me to have been the means of maintaining the prosperity of the agriculture of the country for the last fourteen years—the means of maintaining it in that state in which the noble Viscount (Melbourne) very properly declared he wished to see it continue. I believe that the system proposed by my Right Honorable friend (Sir R. Peel) is the system on which your Lordships ought to act. Therefore, under all the circumstances, I recommend your Lordships to say 'Not content' to the resolution proposed by the noble Viscount (Melbourne), and to support the motion of my noble friend for the committal of this Bill.

Resolution negatived by 207 to 117.

June 2, 1842.

NATIONAL DISTRESS.

Lord KINNAIRD moved for a Select Committee to inquire into the cause of the distress in the manufacturing districts.

THE DUKE OF WELLINGTON said:

I have no intention to follow the noble Lord through all the details of his speech. The noble Lord has dwelt at considerable length on the distress existing in the country. No one doubts the existence of such distress, particularly in the manufacturing districts. I object in some degree to the observations which the noble Lord made in the early part of his speech, with reference to the measures which Her Majesty's Government have thought proper to adopt with the view of relieving the distress at present prevailing in the country. I am ready to admit that it is not exactly consistent to interfere with the ordinary and recognised mode of administering to the relief of the distressed,—to send down to any particular district pecuniary assistance. Although I am prepared to allow that such a practice is attended with injurious consequences, if frequently had recourse to, still it must be remembered that that mode of relief has been adopted

at different times under special circumstances. The law recognises the principle, although it fixes upon particular localities the necessity of providing for the distressed residing within particular districts; but should those localities be unable to relieve the distress which prevails, then it is the duty of other parts of the country to come forward for that purpose. In Scotland, as truly stated by the noble Lord, the relief afforded by the levy of rates is not so extensive as it is in this country; therefore it was that a large subscription was raised in this country for the purpose of administering to the wants and necessities of a portion of the population of that country. As the fund which was raised is nearly exhausted, the Government thinks it prudent to adopt other measures to extend relief to the country. Your Lordships will remember that Scotland is not the only part of the country which requires relief. With the object of alleviating the distress, Her Majesty's Goverment suggests that a letter shall be written by Her Majesty to the Archbishop of Canterbury, which is to be read in every church, calling upon the benevolent and charitable to come forward to the relief of the distress prevailing in every part of the country. I think that the noble Lord approved on a former occasion of that appeal. The noble Lord now objects to it; and for what reason? Because the letter is confined to the Archbishop, Bishops, and clergy of the Church of England. The noble Lord thinks that other congregations, not connected with the national establishments, ought to have been called upon to raise subscriptions to the relief of the country. The noble Lord complains of the improper influence which he says has been used. I am not aware that it is customary for Her Majesty to adopt any other mode of calling upon her subjects to relieve the distress of the country under circumstances like those at present existing. On a former occasion Her Majesty herself subscribed handsomely, thus giving an example to her loyal subjects which I hope will be liberally followed. I do not think that the noble Lord has any right to complain of any undue influence being used. If such a mode of procedure is necessary,—if relief is to be obtained by voluntary subscriptions,—it can only be effected in the manner recommended by the Government. The present state of distress is admitted by the members of both Houses of Parliament. The noble Lord says that he wants a Committee to inquire into the causes of this distress,—a committee before which he wishes to submit his calculations and docu-

ments. It is the usual practice, when a noble Lord moves for a committee, to state for what object that committee is to be constituted, and what facts it is to inquire into. It appears, however, that the noble Lord merely wishes for the committee for the purpose of laying before it his calculations and schemes, with the view to the repeal of the corn-law,—that corn-law which your Lordships have only recently passed through Parliament. I submit to your Lordships, that, if this law is to be repealed, the noble Lord ought to introduce a Bill for this purpose; but I entreat your Lordships not to consent to a committee which will sit day after day to examine into the noble Lord's calculations and theories, with no other object in view than to alter or repeal the corn-law which has so recently received the sanction of the Legislature of the country. If this law is to be repealed, your Lordships ought to have a full and fair discussion of the whole subject. I hope your Lordships will refuse your assent to a committee, the only effect of which will be to excite the country on the subject of the corn-laws. The noble Lord blames the Government for not attending to the subject before—for not endeavoring to relieve the distress in the country. When did the present Government take possession of office? They came into office in the beginning of September. Since they have been in office they have passed many measures of great importance and benefit to the country. I will refer to some of the measures of the Government, with the view of establishing that they have not been unmindful of the interests of the country. I will recite a few of the measures which the House has adopted, and which the other House of Parliament has passed, and which have become law; and then I will ask whether it is fair on the part of the noble Lord to come down to this House, and bring forward such a motion, based upon such inconclusive arguments, and then to tell your Lordships that he is not influenced by party feelings? The noble Lord says that he finds fault with no other measure of the Government except that relating to the corn-laws. I will remind the House of a measure which has passed the other House of Parliament, and which will be shortly under discussion in this House—a measure adopted for the purpose of removing the financial difficulties in which the country has been involved. That measure will also have the effect of increasing the finances and raising the credit of the country—of enabling the country to pay the interest of the national debt. It is my hope that the measure

will restore the finances of the country, and place them on that basis on which they ought always to stand. The measure will also have a beneficial effect upon the commerce of the country, and thus establish the public credit. I anticipate the most happy results from the measure to which I refer, not only upon the commerce and trade, but upon all the great interests of the country. The sum which will be obtained by the proposed income-tax will enable the Government to repeal many taxes on articles of general consumption. It will also give the Government the power of repealing the duties on the raw material of manufacture, and in this way the manufacturing interest generally will be considerably benefited. The noble Lord stated that but little benefit would accrue to the country from the proposed tariff. I would ask the noble Lord to consult with his friends before he makes such an assertion. The effect of that tariff will be to improve to a vast extent commerce and trade; nor is that all. The noble Lord stated truly that the evils suffered by the manufacturers and by the people generally are to be traced to the pressure on the commerce of this country. The noble Lord says we want an extended market: our distressed condition is owing to that and to nothing else. The alterations proposed in the tariff will enable the British merchant to bring into the market many articles which were formerly prohibited. The duties on these articles will be generally reduced, and consequently the consumption will be greatly increased. I maintain, that, if these effects are to follow the operation of the tariff, then I am justified in asserting that considerable relief will be afforded to the manufacturers, and to the consumers generally. At the commencement of the Session Her Majesty declared, in the Speech from the Throne, that the Government was engaged in negociating certain treaties of commerce with other countries, with the view of relieving the commercial distress existing at home. The Government is anxiously engaged in these negociations, and it is hoped that in course of time they will be definitely settled, and that the good which is expected from them will be fully realized. Independently of the treaties to which I have referred, the Government has been exerting its efforts with the object of promoting peace, and by so doing to extend the commerce of this country with other nations. Before the present Government came into office, peace had been to a certain extent restored in the Levant. Peace is now entirely established in that quarter. Peace

was also established in Spain, in Portugal, and in those parts of Asia under the government of this country, as well as in Central Asia. I entertain sanguine hopes that pacific relations with the Chinese empire will before long be restored. Attempts have also been made, and I trust they will turn out successful, to settle those questions of difference which have so long existed between England and the United States of America, and Canada. All these subjects have been the subject of negociation during the few months the Government have been in office, all of which measures must tend to improve the manufacturing and general interest of the country. I think that the noble Lord might have considered these points, and have waited to see the effects of this measure, before he moved for a committee to inquire into the existence of public distress. If this motion is agreed to, the effect will be that great discontent will be excited throughout the country; one part of the community will be arrayed against the other, and the most melancholy results will ensue. The only object which the noble Lord appears to have in view is to obtain a repeal of the present corn-law. The speech which the noble Lord has made would have done to preface a motion for the total repeal of the laws relating to corn. I again assert, that, if the noble Lord obtains his committee, and if that committee sits day after day, it will give rise to great excitement in the country, and thus obstacles will be thrown in the way of fully legislating on those measures which the Government has thought it necessary to introduce in the present state of the country. I hope your Lordships will refuse your assent to the motion, the only object of which is to effect a repeal of the corn-laws.

Motion withdrawn.

June 17, 1842.

INCOME AND PROPERTY TAX.

In commenting on the remarks of Viscount MELBOURNE,

THE DUKE OF WELLINGTON said:

I will not now enter into a discussion before your Lordships whether or not the country, in deciding against the measures of the noble Viscount who has just sat down, decided against the propositions of the noble Viscount, or against the men who made them.

My desire is to support this measure upon its own grounds, and not to consider the merits of men who do not propose this measure, but who propose other measures which I certainly think ought not to have been proposed, and which ought, undoubtedly, not now to be carried; because I am perfectly convinced that those measures are not adequate to answer the purposes, or meet the necessities, which now render your Lordships' interference necessary. I agree with the noble Viscount, that this is a totally different question from that of the year 1816. I think that it has been proved clearly by my noble friend (Earl of Ripon) that this is a measure which is absolutely necessary, in order to enable Parliament to meet the deficiency of the revenue, for the purpose of defraying the expenses of the country. The noble Viscount has stated that he thinks that the course might have been taken of laying a duty upon corn, sugar, timber. At least this is certain, that the produce of duty on corn would have been very uncertain; but what we want is certainty. We have a certain deficiency to meet, and a certain expenditure to provide for, and we require a certain revenue in order to provide the means of defraying those charges. It is quite obvious that in certain seasons it is possible that no corn might be imported, and that in other seasons very large quantities of corn might be introduced into this country; and no reliance could be placed on the amount of revenue to be expected at any one period. In respect to the duty on sugar my noble friend (the Earl of Ripon), and my noble and learned friend (Lord Brougham), have both stated the objections which rest on financial grounds against the alteration proposed upon the importation of foreign sugar; and the noble and learned Lord has stated other objections referable to the slave-trade, which I have always felt to be very strong objections against the alteration of these duties. I have taken a very simple view of the question. It is this. The Government of this country have entered into treaties for putting an end to the slave-trade, with the Governments of the Brazils and of Spain, which treaties have not been strictly carried into execution; a circumstance which I know from my having been called upon to treat on the subject at different congresses at which I have been engaged. We know that large numbers of slaves are exported from Africa—I believe up to this very moment; and I do think that, whenever the Government of this country makes such arrangements as we have made, or such con-

cessions to foreign powers, so as to lower the duty on foreign sugar, those concessions ought to be used for the purpose of protecting the system of preventing the slave-trade. Advantage ought to be taken of those concessions, in order to obtain those objects; and I say that these duties ought not to be lowered until such concessions shall be made as will give us a tolerable certainty that the treaties relating to the slave-trade will be strictly carried into execution; and I say that this should be done, more especially, because I believe that the future demand for sugar in this country can be supplied by Her Majesty's colonies within the tropics. If then, my Lords, that should be the case, I say that, considering the sacrifices which were made by our colonies and the West India proprietors eight or ten years ago, and considering also the description of engagements which were entered into with them at that period, that the existing system should not be altered. These facts should induce your Lordships to consider well the subject before you consent to alter the duties upon foreign sugar imposed in this country. Then, my Lords, this being the case, and it being admitted on all sides that there is no other resource, that an experiment has been tried of levying a percentage on the Customs and Excise, and also on the assessed taxes, that the former has failed entirely, and the last has succeeded only partially, I do conceive that the necessity has been clearly made out for the adoption of another course; and I say further, that no other course could be adopted than the measure at present under your Lordships' consideration. The noble Marquis who spoke in the early part of the evening stated that this tax is to be justified solely on the ground of the deficiency of the revenue to provide for the expenditure of the country; but, my Lords, begging your Lordships' pardon, if this tax levies a larger sum than is necessary to provide for the expenditure and public service of the country, there surely can be no reason why the overplus should not be applied to relieve the country from other taxes which fall heavily on the resources of the country, and from which it is desirable that the country should be relieved, in order to benefit the commerce, the manufactures, and the other interests of the country. I do not mean to say, my Lords, as the noble Viscount opposite has said, that the tax should be continued in order to procure such a surplus. No, my Lords, but, the tax being levied in order to supply a deficiency in the revenue, to defray the expenses of the country, it is reasonable and

right the overplus should be applied towards the deficiency which must be the consequence of a repeal of the duties which press on the chief interests of the country, and to that purpose it is intended to apply that overplus. The noble Viscount has stated what is perfectly true—that the Government, having adopted this measure, must adhere to it so long as is necessary; and I sincerely trust that this Government, if your Lordships will adopt this Bill, will maintain this measure as long as it is absolutely necessary, and not one hour longer. I have said that this tax is to be applied to the repeal of certain taxes; but it is expected that, when taxes are modified or repealed, the revenue will then become productive; and that the Government will thus be able to repeal this tax, not only because a necessity for it no longer exists, but because the increased revenue to be received from this relief from taxation will enable us to come to Parliament and propose the repeal of this tax. It is impossible for us to do what the noble Viscount did,—indeed we have not the means to do it. By his measure there was 1,600,000*l.* lost in the year's revenue, and in the preamble of the Bill which carried that measure into effect there was a promise that the revenue should be made good. There was an attempt to make it good; but the promise remains unperformed to this day; and you cannot expect us to take the example of the noble Viscount, repealing such burdens as ought to be repealed, and then taking our chance of making up the amount of the public service, as the noble Viscount did when he repealed the Post-office duties, and trusted to a promise in an Act of Parliament that the amount should be made good to the public service. My Lords, I have already stated that I hope the Government will retain this tax as long as it is necessary; I can answer for myself, and I believe I can also answer for my colleagues, that nothing but necessity could have induced us to propose such a tax. We are perfectly aware of all the inconveniences that must result from it. We are perfectly aware of the provisions of the Act of Parliament upon your Lordships' table. We are perfectly aware of the odious powers with which these commissioners must be trusted; and we can reconcile it to ourselves only by the necessity of the case. We have been now for several years engaged in operations involving great expense in all parts of the world. I will not say, my Lords, that we have been at war; but I believe we have been at something as like war, if it be not war, as any-

thing could well be. I have had lately opportunities of giving my consideration to the measures which have been carried into execution during the last few years, and I certainly did consider these as measures of war; they have entailed upon the country the expenses of war, and we are now called upon to discharge the bill. We have had a deficiency for various years, amounting to 10,000,000*l.* sterling; there is a deficiency of 2,500,000*l.* on this year, and I believe that, if the accounts were examined very closely, the amount would be even more. But that amount is necessary to enable us to perform the public service. We are exactly in the situation of persons who have incurred a great debt, and who are called upon to pay the bill. I hope we shall pay the bill, and that we shall restore the country to a satisfactory state and to prosperity. I say, again, my Lords, that nothing but a strong sense of the necessity of the case, and that there was no other course which we could take to produce such a revenue as would enable us to meet the difficulties of the country, or to do what is necessary for its prosperity, would have induced us to propose such a measure, and it will not last one moment longer than it shall be absolutely necessary.

Debate adjourned.

July 26, 1842.

AMENDMENT OF THE POOR-LAW.

In rising to move a second reading of the Poor-Law Amendment Act,

THE DUKE OF WELLINGTON said:

My Lords, I was one of those who supported the poor-law as it was introduced some years ago by my noble and learned friend, and I did so on ascertaining the inconveniences and evils which attended the system of working the old poor-law up to that period, and on being sensible that the only remedy which could be found for those evils and inconveniences was in the measure proposed by my noble and learned friend. My Lords, I have since had the satisfaction of contemplating the working of the measure which then became the law of the land, and I must say that I have been satisfied with its results. It has undoubtedly improved the condition of the working classes, and it certainly

does place on a better footing the relations between the working classes and their employers. It has enabled those who had the care of them to provide better for the aged and destitute than had been hitherto the case, and it has in general given satisfaction throughout the country. My Lords, I don't mean to say that I approve of every act that has been done in carrying this Bill into operation. I think that in many cases those who had charge of the working of the Bill have gone too far, and that there was no occasion whatever for constructing buildings such as have acquired throughout the country the denomination of bastiles, and that it would have been perfectly easy to have established very efficient workhouses without shutting out all view of what was passing exterior to the walls. I say, then, that in some respects the system has been carried further than it ought to have been, and I shall also say that its features have assumed a harsher character in some parts of the country than was necessary ; but this has been owing, I must admit, in a great degree, to the adoption of another law by Parliament—I mean what is called the Dissenters' Marriage Act, the regulations depending on which were connected with the execution of the Poor-law Act, and rendered necessary the establishment of unions in many parts of the country which were not yet ripe for the formation of those unions. But, notwithstanding the circumstances to which I have just now alluded, I must in general state my approbation of the working of this Act. I have paid great attention to the subject. Wherever I have resided, I have attended the meetings of guardians of unions in my neighbourhood ; I have visited several workhouses in different parts of England, and I must say I never visited one in which the management was not as good as could be expected in such districts of the country, and which did not give universal satisfaction. Under these circumstances, I have great pleasure in moving the continuance of the existing poor-law, particularly of the commission, for five years longer. My Right Honorable friend in the other House intended to propose at the same time the continuance of the commission, and some provisions of a larger nature than those embraced in the present Bill, for applying a remedy to many evils which required amendment in the original law and in the existing system. But, as the Session is near its close, and the determination of the commission is approaching so nearly, it has been found impossible to carry the provisions I have alluded to during

the present Session of Parliament. Therefore, the original amendments of many parts of the law have been struck out from this measure, which contains nothing but the continuance of the commission, and some few clauses for which it was deemed indispensable to provide. The first clause, as I have said, provides for the continuance of the commission for five years. The next provides that the number of Assistant-Commissioners shall be nine, and, at the same time, enables the Commissioners, if they find it necessary, to appoint persons to make special inquiries. By the Act of 1834 the Commissioners were required to lay before the Secretary of State, and eventually before Parliament, any general rules they should make for carrying on the system of management of the poor throughout the country. Many rules laid down by the Commissioners had been special rules, and, consequently, could not come within the knowledge of the Secretary of State and of Parliament. But this has since been prevented, and this Bill contains a special enactment that those general rules should not be altered by special rules without the consent of the Secretary of State. It does not appear necessary to draw attention to any other parts of the Bill. It embraces some important provisions for enabling the Commissioners to act in accordance with the wishes of Parliament, as intended in 1834. Any further steps that may be necessary for this purpose will be submitted to Parliament in the next Session.

Bill read a second time.

August 8, 1842.

OUTRAGES IN IRELAND.

Earl FORTESCUE moved for a return of outrages reported by the Irish Constabulary during the month of June last.

THE DUKE OF WELLINGTON said:

I have no objection to the production of the returns which the noble Earl requires, nor should I think it necessary to say a word on such a motion if the noble Earl had not thought proper to draw conclusions from the comparative number of offences which appear on the face of the returns already made for the first six months of the present year. The noble Earl has drawn from these

returns conclusions against the system of government carried on by the Lord-Lieutenant of Ireland and by the noble Lord the Irish Secretary, and also against some highly respectable and respected persons now filling the highest judicial situations in that country. I think that the recollection of former discussions on this subject might have recalled to the mind of the noble Earl circumstances which may have occasioned a difference in the amount of crimes reported by the constabulary in different years, without the necessity of calling in question the system of government in Ireland, and, above all, the system of administration of the law by persons at the head of the criminal justice in that country. Admit it to be true that there were more outrages committed in the first six months of 1842 than in those of 1841, at least that it so appears by the constabulary returns, still it may happen that the constabulary are more active, and discover more of these offences, in one year than another. Surely it would not be fair to omit so important a consideration as this, when a noble Lord is about to cast blame on the Government and on the administration of justice. As to what took place at the trial before Lord Chief Justice Pennefather at the assizes at Armagh, all that I can say is, that, from all I know of the high character of the individual who fills the situation of Chief Justice, I do not think that on the bench in either country there is one more distinguished for strict impartiality in the administration of justice. It is not therefore to be supposed that in almost the outset of his career as Chief Justice he would deliver a charge more in the spirit of an advocate than a judge; I will not say more on this point, but that it forms no ground for the alleged increase of crime in 1842 as compared with 1841. As to the witness Hagan, I have made inquiry into the case, and learn that his testimony is supported by that of others who are credible persons, and that the parties on trial were convicted by the fullest and most satisfactory evidence. The noble Lord has adverted to the conduct of the person who was admitted as King's evidence, and who stated that the magistrates knew of his conduct in endeavoring to induce others to become Ribandmen, and that they encouraged him in such proceedings, and that the Provost of Sligo had also given him similar encouragement. I have been informed that at the trial the counsel for the accused made a similar charge against the Government, but that before the trial closed the learned gentleman withdrew,

finding, as he stated, that it had no foundation whatever. The charge against the Provost of Sligo and against the magistrates is equally groundless. In fact, it appears that, when the Provost released the man Hagan, he told him, in the presence of several magistrates, to avoid going again into such society as he had mixed with. There is no more ground for charging the magistrates with any knowledge or encouragement of this man's conduct than there is for charging the Government. If any magistrates could be guilty of such conduct as receiving information of this kind, and employing such a person to get it, they would deserve, and would receive, the severest marks of the displeasure of Government. Nothing can be more base or unworthy the character of a man or a magistrate than such a proceeding; but in proportion as a charge is severe, so should the inquiry into it be strict. I understand that the Government of Ireland has directed inquiries to be made, in order to ascertain the facts on this subject; and they will take due notice of the conduct of the magistrates if it has been such as the noble Earl describes.

Motion agreed to.

[THIRD SESSION OF THE FOURTEENTH IMPERIAL PARLIAMENT.—SIXTH VICTORIA.]

February 2, 1843.

ADDRESS TO THE CROWN.

The Earl of POWIS having moved, and the Earl of EGLINTON having seconded, the Address in answer to the Speech from the Throne,

The Marquis of LANSDOWNE animadverted upon various portions of the Address.

THE DUKE OF WELLINGTON said:

I did hope that the tenor of the Speech delivered by Her Majesty's commands from the Throne, and of the able speeches of my two noble friends near me, the noble mover and the noble seconder of the Address, would have induced the noble Marquis (if he thought proper to make any observation at all) to abstain from that description of observation upon which it would be necessary for me to enter into any explanation. However, the noble

Marquis has thought proper to attack the speech on the score of its veracity. We are told that Her Majesty has been advised to advert to the liberality of Parliament as having enabled Her Majesty's forces to bring the war in China to an early and successful termination, but that we have made no mention of the income-tax as an instance of that liberality. My Lords, I beg your Lordships to recollect that the common course of Parliamentary proceedings—I should say the ordinary course (for it was not the course during the administration of the noble Lord opposite)—is for Her Majesty's Government, when engaged in war, to come down with an estimate of the force necessary for carrying it on, the expense thereof, and the whole means for finding the money to pay that expense. It is perfectly true that that course was totally abandoned by the noble Lords opposite when they were in office. They carried on war all over the world with a peace establishment, and they concluded that those who succeeded them would do the same. Now, my Lords, that is exactly what we do not. The noble Marquis stated that, if he had been one of those who conceived that we ought to have submitted to the conduct of the officers of the Emperor of China, and to have turned ourselves into Custom-house officers for that country, he not only would not recommend the Speech from the Throne, but could not join in approbation of the Address. My Lords, I beg the noble Marquis to recollect that I believe I was almost the only individual who stated that the real ground of complaint against the Chinese Government was its conduct towards the person employed in the service of Her Majesty and representing Her Majesty in China. When a motion was made by my noble friend near me, I believe I was the only person who defended Her Majesty's servants. I said that the war was a just and necessary war; I will go farther, and say, if it had been otherwise—if it had been a war solely on the score of the robbery of the opium—if Her Majesty's Government were engaged in that war, and if their interests and honor were involved in it, I should have considered it my duty to make every effort for carrying it on with success, and have asked Parliament for the assistance which would have enabled Her Majesty's servants to bring it to an early and successful termination. But I declared formerly, and have always declared, that I thought Her Majesty's cause a just one, and I said so when I was the only man in the House, whether Minister or otherwise, to support Her Majesty's servants. I was

a party to the war, and afterwards to advising Her Majesty on the measures to be carried into execution in order to bring the war to a conclusion. What did Her Majesty's servants do? They recommended Her Majesty to call on Parliament for a grant of additional forces, and for a grant of a far larger sum of money than had been granted in a former year, for carrying on that particular service. But more, my Lords. Not a week after they came into office they sent orders to India to prepare to send reinforcements to China; and reinforcements were sent from England; first, of troops, and of ships as soon as they could be prepared. Those troops and ships arrived, and were engaged in the operations which brought the war to a close, immediately previous to the negotiation for peace. So much for the veracity of the Speech. But it appears that the same plan and the same operations were carried on by the former Government. I beg the noble Lord's pardon. He forgets altogether the operations at Chusan. He forgets the troops being withdrawn from the settlements at the northern part of the Chinese seas, and the going down to Canton. He forgets the many months lost at the commencement of the campaign. And he leaves out of mind the orders sent from India in September and October last, because it is desired to represent in the House that a statement in the Speech, delivered by Her Majesty's command, wants veracity. Then, my Lords, the noble Marquis comes with recommendations very sensible and wise as to the manner in which we ought to proceed in order to carry on our commercial intercourse with China, and he tells us that all will depend on the measures which may be first adopted on the subject. That is very true, and I hope that if such measures are adopted they will be carried into execution. The execution was what was forgotten by the Government of the noble Lords opposite. They had a very fine scheme—an admirable plan for establishing a jurisdiction over British subjects in China—and a variety of measures which, if adopted, would probably have prevented the recent squabbles, but not one of these was ever adopted. I happened to be in office for a short time, and I left a memorandum recommending measures to be adopted. But during the time noble Lords opposite were in office, and up to the time of the war breaking out, not one measure did they carry into execution. Now, my Lords, if we adopt wise measures, I hope we shall carry them into execution. Having said so much of China, I will advert

to a part of the subject which I certainly hoped the noble Marquis, taking example from the moderation of the Speech from the Throne, and of the speeches of my noble friends near me, would have avoided—I did hope he would have avoided all topics of irritation, and have confined himself to the military topics in the Speech from the Throne, without adverting to persons not here present. If we are to have discussions on the important subject of India, it would be better to confine the discussion of this night to the questions placed before us by Her Majesty's Government. I think no reference need be made to anterior transactions, or the disasters which have occurred. Those disasters must be admitted; as to the facts, they cannot be denied. But the noble Marquis has referred to orders given for the movement of the troops. Now, I have seen something of Governors-General, and I know some little of military affairs and military difficulties; and I must say this—that I stand prepared on any day to justify every order for movement, whether one way or the other, that the Governor-General (Lord Ellenborough) has given from the moment in which he took on him to administer the Government of India to the present moment. I shall be ready, my Lords, whenever the noble Marquis or any other person shall make any charges, none of which are yet made, to reply to them and to defend my noble friend. I say that the Governor-General, as soon as he accepted the Government, did as much as was in his power, considering the state of the preparations which he found on his arrival. It was not possible for any man to do more, and every order which he gave for the troops to halt or to march was necessary, considering the insufficiency of the troops. No blame can be thrown on his acts, which were the consequences of omissions before he arrived in India. I will say that in the absence of any servant of the Crown I should be ready to defend him, but I firmly believe my noble friend has done his duty. I am sorry to say one word on this subject. I was sorry to hear the noble Marquis refer to it; I warned him at the time that I did not wish to say anything in defence of my noble friend, and I now only wish to show that there was no want of attention on the part of my noble friend the Governor-General, but of those who preceded him. I have no more observations to make; but I wish to say, in relation to the terms of the treaty concluded with the United States, that I think it is not fair to my noble friend (Lord Ashburton) to enter into that subject till all the papers are

before the House. Your Lordships will then have an opportunity of considering on what grounds the different points of the treaty rest, and what my noble friend can state in justification of the treaty. I must likewise observe, that, when the noble Marquis objects to the terms of the treaty adopted by my noble friend, he forgets the adoption of the award of the arbitrator by the Government of which the noble Marquis was a member, and which embraced all the points for which the noble Marquis blamed my noble friend. Under these circumstances, I think my noble friend has most satisfactorily concluded the treaty. The fact is, that the treaty of peace, called the Treaty of Ghent, was never carried into execution, because the United States wished for one line and we wished for another, and the line intended by the treaty was not defined. The question was referred to arbitration, and the arbitrator gave his award. England adopted that award; the United States did not. My noble friend adopted a new line, and his proposal led to a new arrangement. I will not enter into the discussion before the papers are laid on the Table, and when they are they will throw no blame on my noble friend. I believe that the arrangement he has made is most satisfactory to the country, particularly as it puts an end to the question in dispute, and an end to the heats and anger which existed between the two countries, and which embraced the leading interests of both.

Address agreed to.

February 14, 1843.

CHINA—THANKS TO THE ARMY AND NAVY.

THE DUKE OF WELLINGTON said:

In pursuance of the notice which I gave to your Lordships on the first day of the Session, I proceed now to ask your Lordships to express your approbation of the services of Her Majesty's fleet and army employed in the late operations in China. I am perfectly sensible of the importance of the duty which I call upon your Lordships to perform. Her Majesty has been pleased to declare her approbation of the services of her fleet and army: Her Majesty has distinguished both services by marks of her gracious favor, and has adopted other measures to signify her approbation of them; and my proposition is, that your Lordships, taking into

consideration the nature of the services performed by the fleet and army—taking into consideration their value and importance at the moment at which they were rendered—should support Her Majesty in the applause which she has expressed; and by pursuing that course your Lordships will, I trust, excite and stimulate others of our countrymen, in all future times, to emulate those whose services I am about to bring under your consideration. In performing the duty that devolves upon me on this occasion, I shall carefully avoid adverting to any topic, or alluding to any subject, which can give rise to any feeling but that which I am desirous should exist among your Lordships—namely, admiration of the services which I am about to detail to you. It will be necessary for me to advert to certain historical facts, in order to render clear the exposition of the services of the fleet and army which I am about to make to you; but I shall advert to them only as facts, having no intention to blame anything—and, indeed, there is no reason that I know of to blame anything. Certain it is that I have no intention to blame anything that has passed; and, as I have already said, I shall refer to what has passed merely as historical facts, to render clear what I am about to address to your Lordships on the subject of the services performed by Her Majesty's navy and army. Your Lordships are aware that in 1839, after a discussion upon the events which had taken place in China, war was declared with that country, and orders were given to blockade the Chinese ports, and carry on certain other hostile proceedings against that empire. Those measures were carried into execution as early as the month of June, 1839. At that period Canton was blockaded, and hostilities were further prosecuted by the capture of the island of Chusan. The fort of Amoy, also, was blockaded, and certain operations were carried on in that harbour by a small detachment of the fleet under Admiral Elliot, who was in his own ship, and who afterwards joined the rest of the fleet and the army at Chusan. In a short time the admiral, according to the instructions which he had received to act as joint plenipotentiary with Captain Elliot, proceeded to Pa, on the Pei-ho, which he reconnoitred; and, having communicated with the Chinese authorities at Tien-ling, on the river Pei-ho, commenced there negotiations for peace. The negotiations thus commenced were subsequently continued at Chusan. Negotiations for a cessation of hostilities were also carried on at Ningpo; but subsequently the negotiations for a treaty of peace

were removed from the northern part of China—from the Pei-ho, Chusan, and Ningpo—to Canton. On arriving at Canton the Chinese commissioner appeared to be not so willing as before to conclude a treaty of peace: the admiral being, unfortunately, taken ill, was rendered incapable of remaining longer on service, and quitted the station. The command of the fleet then devolved upon Sir Gordon Bremer, who carried on the naval operations, whilst the negotiations continued to be conducted by Captain Elliot. From various circumstances, it was discovered that the Chinese were not serious in the desire of making peace on the terms proposed and required by Her Majesty's plenipotentiary, and in the course of the communications and discussions which took place, a British vessel was fired into from a fort which ought not to have been occupied; and it was subsequently discovered that the whole of the forts on the Canton river, which it had been previously settled were not to be occupied, were armed and occupied. The negotiations were continued, but they certainly did not make much progress; different periods were fixed at which communications were to be held and answers received; but no communications were had, and no answers were received, and at length it was found to be absolutely necessary to suspend negotiations and recommence hostilities. Accordingly the commodore, the commanding officer of the fleet, immediately determined to attack the forts in Canton river, particularly those which protected the entrance to Whampoa. Among other promises made by the Chinese and not performed, was one for the opening of trade at a particular period. In the mean time large bodies of troops were being collected, and it was found that Tartar generals and Tartar commissioners were coming down for the ostensible purpose of treating for peace, but for the real purpose of war. Under these circumstances the commodore determined immediately to attack the forts on the Canton river, and to obtain possession of them. He did so. He consulted with the military commanding officer on the spot respecting the assistance to be afforded by the army, and by the cordial co-operation of the two services, of which many examples were afterwards given in the prosecution of the war, the army being landed on the flank or rear of the works attacked in front by the fleet; and by the accurate posting of every vessel of the fleet, all the forts were carried almost without loss, the army having entered the forts by the rear at the same time that the navy carried them in front. It is from this operation I propose to date

the accounts to which I shall call your Lordships' attention. I do not mean to say that the operations to which I have already adverted—namely, the attack on Chusan, the blockade of Amoy, and the attack upon the vessels in that harbour—were not all highly meritorious; but there is this distinction between them and the operations subsequently carried on—namely, that they took place during a time when negotiations were pending. In what I am about to address to your Lordships I shall, therefore, confine myself to the operations which took place after the breaking off of negotiations in the month of January, 1841. The capture of the forts made an impression on the Chinese negotiators, and they again desired to commence negotiations. Under the treaty of peace which had previously been concluded, Her Majesty was to obtain possession of the island of Hong Kong, and it was deemed expedient still to insist upon that, although the treaty had not been actually signed. The commissioner on the part of Her Majesty having desired the admiral to take possession of Hong Kong, he entered into an agreement that, in case the island were given up, the forts which had been taken should be restored to the Chinese. Still the negotiations did not advance. The Chinese commissioner never actually met the plenipotentiary of Her Majesty to sign conjointly the treaty of peace. It was known that a large Tartar army was assembling at Canton; and in this state of things it was considered necessary to recommence hostilities, to attack all the forts and batteries, and to take possession of Canton. A suspension of hostilities was again agreed upon, in consequence of the Chinese undertaking to pay a sum of money as ransom for Canton. Thus affairs stood at that time. The treaty which had been agreed upon was considered as concluded; that is to say, it was really signed; but I do not believe that any of the conditions were carried into execution, except that which related to the occupation of Hong Kong by the Queen's troops, and certain of the forts by the Chinese troops, upon condition that they should not again be armed. Things remained in this state until towards the 20th of May, at which period large bodies of Chinese troops continued to assemble in the neighbourhood of Canton, and threats were held out of an intention to recommence hostilities. It was also ascertained that some of the batteries and towers on the river had been armed, in contravention of the arrangement entered into, and that attacks had been made upon Her Majesty's vessels and British merchant

vessels by five boats, from which the British vessels were protected by the activity of some small craft attached to the fleet. At this time Sir Hugh Gough joined the army, and the commodore and he, having reconnoitred the coast of the river, and the disposition of the Chinese army on the heights beyond Canton, determined on a plan of joint attack, which was carried into execution in a manner worthy of your Lordships' approbation. The position of the enemy was well examined and ascertained, and a plan was formed for a conjoint attack on the several fortified posts on the river by the fleet, and upon the position of the enemy on the heights beyond Canton by the army. The army was landed at the place appointed for the commencement of its operations, whence they advanced and attacked the formidable position of the enemy, defended by the works of the town, and by a large number of Tartar troops, besides the garrison of the town, in a camp upon the heights. Here commenced a series of operations which were really quite surprising, and of which I believe there is no example in the military and naval history of this country or any other. Our fleet and army have been manœuvring on the rivers and coasts of China, and defending themselves against large bodies of the enemy in the field; and at the same time attacking fortified positions, some of which were deserving the name of citadels, and they have performed these manœuvres with the utmost facility and with uniform success; and they have done this, my Lords, how? By the activity, energy, and zeal of the officers, petty officers, and seamen of the navy, in marking out the spots at which the large ships were to take their station with a view to the operations to be carried on, and to enable the admiral and the general to combine these operations. We have seen the fleet attacking strong forts, built of masonry, and well provided with ordnance, whilst the army, being landed at a spot previously agreed upon, has assisted the fleet in its operations, and the success of their combined efforts has been uniform, and, I must say, wonderful. The attack upon Canton was the first instance of these operations being carried on upon a large scale, in front of a force superior to ours. Our troops would have entered into Canton, if it had not been thought expedient to suspend hostilities upon condition of receiving another ransom, and to protect the town from the consequences of being stormed at that moment. As I said before, I have no blame to bestow upon that proceeding. The troops then embarked, and

took up a position again at Hong Kong. I have gone a little into detail with respect to these operations, because they were the first of a series of similar operations which were carried on with the cordial understanding and co-operation of the two gallant officers, Sir H. Gough and Sir H. Senhouse. Shortly after the performance of this feat the fleet sailed from Hong Kong, and the first operation which they undertook was the attack upon Amoy. They proceeded then, and examined the port, and, having found that the island of Koo-lang-soo formed one side of it, the admiral and general, in the manner before pointed out, having well considered the position of the enemy, and the nature of the works to be attacked, and the position of the troops opposed to them, agreed that the troops should be landed at Koo-lang-soo, and should proceed, some of them to attack the works on that island, and others to attack those in the neighbourhood of the town of Amoy. My Lords, the ground was sounded, the danger exactly ascertained, and here, again, our forces performed one of those manœuvres which I have endeavored to describe to your Lordships. The general immediately got possession of the island of Koo-lang-soo, and forthwith directed his attention to the support of the position which the fleet took up at Amoy; and they were successful, as they had been before, and as they have since been in many other cases. They occupied the island of Koo-lang-soo, left there a garrison, and sailed for Chusan. At Chusan they found the works vastly increased and improved since their previous occupation in the preceding year. Indeed, it is curious enough that the Chinese had carried into execution some of the measures which the British engineers had proposed to adopt in the preceding year, in order to strengthen the island of Chusan, then in their possession. Notwithstanding the strength of these works, and the increased strength of their position, afforded by enormous batteries of masonry, the operations of the fleet and army, by the adoption of the same system, had the same result. The troops were landed in the position agreed on by general and admiral, the ships took up their stations opposite particular parts of the works, and the attack succeeded in a most extraordinarily short space of time. In short, my Lords, this just shows what a fleet and army can do when united, and acting cordially in support of each other, under officers who think they best perform their duties in considering the whole operations to be carried into effect—the situations which

each force shall occupy during those operations, and taking care that the intended plans shall be put in execution by the troops exactly as they were first intended. This it was that was done, and, as usual, the place fell into their possession. From Chusan they went to attack the forts and arsenal on the left of the Ningpo river, and they found them situated on a height, being fully garrisoned, in the highest state of order and preservation, being one of the principal arsenals of the country. There was a large body of troops on the other side of this fortified position, destined to co-operate in its defence; and yet, my Lords, of this position our forces got possession as easily as they did of Koo-lang-soo, Amoy, and Chusan. If you will give me leave, I shall dwell for a moment on the really curious circumstances under which the arsenal of Chinhai was attacked. The enemy had an army stronger than ours, in a position to assist the garrison, and destined ultimately to protect Ningpo. The general and admiral carried on concerted operations. They agreed to land the army on the right of the river, while the fort was attacked by the navy in its sea front. And it is a strange circumstance attending this attack, that, in order to ascertain exactly the danger of the topographical situations in which the operations should be carried on, the ship which made the greatest attack on the citadel anchored in water scarcely deeper than would float her. My Lords, the general attacked with the troops, and carried everything before him, the fortified outworks and the garrison within, and he was soon enabled to assist the force which was attacking it from the sea. The admiral stormed the citadel; and the ships' crews, as soon as the breaches were made, saw on the other side those who were proceeding to their support, and in an astonishingly short space of time this citadel, notwithstanding two or three explosions, which took place by accident while the operations were going on, was in possession of the fleet and army. The troops were embarked, and sent up to the great city of Ningpo, into which they entered without opposition. Now, here was another instance of the advantage derived from the co-operation of the fleet and the army. The army was aided by the steamers and smaller vessels in their attack on the enemy's troops, while, on the other hand, the troops aided the navy in their attack on the citadel as soon as the breach was made. My Lords, some disturbances took place after obtaining the occupation of Ningpo: notwithstanding that

the troops conducted themselves greatly to the satisfaction of the inhabitants. It appeared that the people of this large town thought it might be practicable to get the better of them, and the soldiers from the Chinese army, encamped at no great distance, found their way into the town in disguise, having, perhaps, heard of similar proceedings in this part of the world. On the 9th or 10th of March an attack was made not only on the town of Ningpo, but on the citadel. I am happy to say, however, that attempt completely failed, and I have observed with the greatest satisfaction the measures which were adopted to bring about its failure. I can't avoid expressing my admiration of the activity and energy of the officers who adopted those measures with entire success—particularly of the subaltern and those of the next rank. They manifested discretion, firmness, and courage under the circumstances in which they were placed, and frustrated all the attacks which were made; so that before morning the place was as securely in their possession as it had been the previous night. The enemy retired, and took refuge in the country some miles above Ningpo. And thither the general, in concert with the admiral, thought proper to follow them, with a view of making an attack. My Lords, they did attack them. The general, by his courage and that of his troops, aided by the seamen and marines, carried a most formidable fortified position against the best Tartar troops of the empire, and in that attack his gallant brother in arms, the admiral, at the head of his seamen and marines, charged in support of the troops into the enemy's camp, which they took possession of and occupied that night. This is another and a most remarkable instance of the cordial co-operation between the two commanders and the two services—a co-operation which must insure, on every similar occasion, the success which attended those operations. My Lords, there can be no doubt that the operations of this war were exceedingly difficult. Little was known of China except its enormous population, its great extent, and its immense resources; we knew nothing of the social life of that country; we knew nothing more of its communications than a scanty acquaintance with its rivers and canals; and whether their roads ran along rivers, or in any other way, nobody in this country could give any information, nor could any be acquired. We felt, as everybody must have felt, that it was absolutely necessary, after so many years of negotiation, to carry the war into the heart of the country,

in order to make an impression on a people who had manifested so little disposition to render justice, and to come to reasonable terms of peace. The question was as to the mode of doing it; and, considering the complete ignorance which we and all mankind were in, with respect to the communications of the country—the difficulties, natural and artificial, which we had to contend with, besides the immense distance from our country at which the operations must be carried on—we naturally look to the results.; and, I must say, there is no individual, however sanguine, who could have expected such success as has been produced by the cordial co-operation of the admiral commanding the fleet and the general commanding the army, and (following their example) of the officers and men in both services. My Lords, as I said, it was determined to carry the war into the heart of the country, it having been confined, up to the period I have alluded to, to the coasts and islands. The first attack was made on the city of Chapoo. This was supposed to be a place of great importance. The commanders co-operated in precisely the same manner as they had hitherto done; they carried on conjoint operations after previous examination; and, after having ascertained the difficulties they had to overcome, they provided for the occasion, ascertaining the depth of the water, and all the other circumstances calculated to ensure success. The place, like the others, was taken by the army attacking in the rear and by the fleet in front, supported by the small craft and steamers. Having carried this place, they turned their attention to operations on the Wosung. This is a river which falls into the Yang-tse-keang, on the right bank, and it appears to run nearly parallel to a canal, rather tending towards the coast than otherwise. The general, having at this time been joined (through means of the fleet) by artillery and horses, sent from India by the governor of Fort St. George, landed some men near the river Yang-tse-keang, who marched across it and attacked one of the forts, while another attack was made in front. The forts on the Wosung were carried by operations similar to those I have already described. The fleet and army, having been posted exactly in the places fixed upon, pursued the course pointed out for each, provision being made for the due performance of the duty allotted to each. All these attacks succeeded as the others had done before them; and the forces, having thus gained a position in the forts of Wosung, were enabled to enter the Yang-tse-keang,

and to proceed in a body up that great river, for the purpose of carrying on operations at the point fixed upon—namely, at the junction of the great imperial canal with the Yang-tse-keang. After considerable difficulty and some loss, this position was carried, as the others had been, by the joint operations of the two services. The Tartar troops were completely subdued, and this place came into the possession of Her Majesty's troops. The general and admiral then determined to pursue their success by proceeding to Nanking, and to carry on operations in the same manner against that place should they not prevail upon the enemy to come to terms of peace. Accordingly, they proceeded up the river and examined the localities as usual, with the view to attack. By this time our mode of proceeding was known by the enemy, and they soon perceived what our forces were about. However, our commanders made like preparations to the preceding, and landed the troops, so as to be enabled to make an attack. The enemy then surrendered, and offered to agree to the proposed terms of peace. My Lords, this peace was signed, and has been confirmed, and, although it has not been formally ratified, and therefore not laid before your Lordships, it is already made known to the public. My Lords, considering the energy, ability, prudence, and fortitude, with which those operations were carried on, their uniform success, and the honor which resulted to Her Majesty's army, the advantages which must accrue to the country from this early peace, and the probably greater advantage which must result from our future commercial intercourse being placed on a better footing with this great empire, I do hope your Lordships will agree unanimously to the vote of thanks I mean to submit to you. My Lords, I have the satisfaction of being able to add to this statement that I have every reason to believe that those engaged in this service displayed uncommon proofs of discipline and good order—I mean, of course, both fleet and army. I have read several accounts of the sobriety which they observed, avoiding that great temptation in war—the use of spirituous liquors; and I have heard and read with great satisfaction that they treated their enemies on all occasions with the utmost humanity, so much so, that I understand the feeling in China was—'these barbarians' (as they called us) 'are our best friends, and we cannot look upon them as enemies.' My Lords, it is under these circumstances that, considering the difficulty of these operations, their

uniform success, and the small loss which accrued, I trust I shall draw from you an unanimous expression of approbation. They whose names I shall have the honor to propose to you, according to the usual practice, are the admiral and general who commanded; the general who served under the former, but not to the admiral in a similar position, as there was no admiral under the command of Admiral Parker. There was another admiral connected with the fleet, Sir T. Cochrane. He was, at the time of these operations, at the mouth of the Canton river, and frequently expressed a wish to be engaged in more active operations; but the admiral found himself under the necessity of detaining him in what he conceived an important position. Under these circumstances, I regret I cannot, according to the usual practice, insert Sir T. Cochrane's name in this vote of thanks. I should have been happy, had it been the practice, to have mentioned all the names of the gallant officers of the other ranks who distinguished themselves in the course of these operations. But, my Lords, the 'Gazette' contains them, and I entreat you to read them, as well as to examine those operations with attention. They are worthy of the especial attention of professional men; but all men who read them will see what these forces have done, the difficulties which they have undergone, and the services which they have rendered their country. I find, my Lords, that it was not Admiral Parker who carried on the operations at Canton, but Sir H. Senhouse, an officer who rendered great and distinguished service, but unfortunately died, like many others, from the exhaustion which he suffered by reason of the labours he went through in the course of the day.

I propose the following vote of thanks:—

'That the thanks of this House be given to Lieutenant-General Sir Hugh Gough, G.C.B., Vice-Admiral Sir W. Parker, G.C.B., and Commodore Sir Gordon Bremer, K.C.B., for the distinguished skill, intrepidity, and indefatigable zeal with which they have conducted the combined operations of Her Majesty's naval and military forces on the coasts and on the inland waters of China; whereby a series of brilliant and unvaried successes has been concluded by an honorable peace on the terms proposed by Her Majesty.

'That the thanks of this House be given to Major-General Lord Saltoun, K.C.B., Major-General George Burrell, C.B., Major-General Sir Robert Bartley, K.C.B., Major-General Sir James Holmes Schoedde, K.C.B., and the other officers of the navy, army, and Royal Marines, including those in the service of the East India Company, both European and native, for the energy, ability, and gallantry with which they have executed the various services which they have been called upon to perform.

'That this House doth acknowledge and highly approve the gallantry, discipline, and uniform good conduct displayed by the petty officers, non-commissioned officers, and men of the navy, army, and Royal Marines, including the troops in the service of the East India Company's service, both European and native, the cordial good feeling which has subsisted between all the branches of the united services, and the honorable emulation exhibited by all in the discharge of the various duties required by the peculiar nature of the operations to be performed; and that the same be communicated to them by the commanders of the several ships and corps, who are respectfully desired to thank them for their gallant behaviour.'

I also move that the Lord Chancellor be requested to communicate the above resolution to the forces engaged in China.

February 20, 1843.

AFFGHAN WAR—VOTE OF THANKS.

THE DUKE OF WELLINGTON moved that the following paragraphs in Her Majesty's Speech be read:

'Her Majesty is happy to inform you that complete success has attended the recent military operations in Affghanistan.

'Her Majesty has the greatest satisfaction in recording her high sense of the ability with which these operations have been directed, and of the constancy and valour which have been manifested by the European and native forces.

'The superiority of Her Majesty's arms has been established by decisive victories on the scenes of former disasters, and the complete liberation of Her Majesty's subjects who were held in captivity, and for whom Her Majesty felt the deepest interest, has been effected.'

These having been read, the noble Duke proceeded to say, My Lords, I rise, in pursuance of the notice I have already given your Lordships, to ask your assent to a motion, the terms of which I had the honor of placing on your Lordships' Table on Thursday last. In calling your Lordships' attention for a short time to the subject of that motion, I beg to state that it is my intention to avoid adverting to any matter not strictly connected with the military preparations of our army in Affghanistan, except so far as to advert to certain historical matters contained in the papers on your Lordships' Table, in relation to antecedent circumstances, in order to elucidate the particular transactions to which it will be my duty to call your Lordships' attention. My Lords, the papers on your Table show, and there can be no doubt on that point, that there existed throughout Affghanistan disturbances in the course of the year 1841, not only to the north and east of the city of Cabul, but

likewise to the north and west of Cabul, and not only to the south of Cabul, but at Candahar, and even to the south of Candahar. In short, my Lords, it is impossible to peruse those papers and not to see that the whole country was disturbed, and that it would have been impossible to move troops in small numbers from one part of the country to another, without coming into collision with an enemy, nor without great probability of the troops so employed being cut off. Indeed there are accounts, in some of those letters, of detachments on their march to Cabul that were cut off and totally massacred; and on one occasion it even became necessary to abandon one of our military posts to the insurgents. In short, the whole country was in a state of insurrection and disturbance. In all parts of the country there were disturbances and insurrections which had totally put an end to all communication between the different parts of the country, except under the protection of large bodies of troops. Under these circumstances the insurrection broke out at the city of Cabul; but, my Lords, before I say a few words on that part of the subject, I wish to remind your Lordships that only a part of the troops were stationed at Cabul, for the protection of the seat of Government and of the head-quarters of the army. A large detachment had moved, under the command of General Sir Robert Sale, to suppress the insurrection in what are called the south-eastern provinces. My Lords, before General Sale had made one march he found himself engaged with formidable forces, and was himself wounded. Nevertheless he continued his operations. Day after day he was attacked in flank as well as in front, and your Lordships will see by his own despatches how gallant must have been the behaviour of himself, of his officers, and of the troops under his command. The general in command at Cabul found it necessary to recall General Sale, and order him to return to Cabul. The general in command found there was every probability of his being pressed in the absence of the force he had sent to suppress the insurrection and keep open his communication with Hindostan; but General Sale found himself in no situation to obey this order, owing to the number of his wounded and sick, and owing to the total want of means for their conveyance. He found himself in consequence under the necessity of declining to return to Cabul; for he saw that, if he had done so, he must at least have abandoned 500 of his wounded. He continued his operations, however, day after day, in the intention of reaching Jellalabad; and, as I shall

presently show to your Lordships, he established himself at Jellalabad in a short time after he had marched from Cabul. But, my Lords, it must not be supposed that, while marching through the country with a considerable force, General Sale was able to suppress the insurrection. The insurgents continued to attack the posts occupied by the Shah's troops, and by our troops, throughout the valleys and passes leading from Cabul to Jellalabad; and it is a curious circumstance that some of those very forces which seized the posts that General Sale and his brave troops were under the necessity of attacking were placed in that neighbourhood under the direction of some of the Dooranee noblemen, to give succour to the Shah's government and tranquillity to the country, and to enable the army to use those valleys as a means of communication. My Lords, I mean to refer to those papers so far only as may be necessary to show the real state of the country at the breaking out of this insurrection, because it will throw some light on the events that followed. General Sale marched about the 14th of October, and on the 3rd of November the insurrection broke out at Cabul. The house of Sir Alexander Burnes was attacked, and he himself was murdered. Several other officers were also surprised and murdered, and the stores in the town were seized and plundered. The pay-office was attacked and plundered. From that time forward the insurrectionists were active and the contests were continual. Besides the troops in the cantonments at Cabul, there was a camp on the heights on the opposite side of the river, which was broken up after the insurrection commenced, and part of the troops were sent to the citadel of Bala Hissar. After that detachment had been sent out, the troops which were left behind were barely sufficient to hold that post. The stores destined for the provisions of the troops were outside the cantonments, and the works by which they were defended being unfinished rendered their defence difficult and extremely doubtful. The troops in the cantonments were attacked, as it appears, immediately after the affair in the city on the 3rd of November, when Sir Alexander Burnes and other European officers were killed. An attempt was made, by the Shah's desire, to get the better of the insurrection, but the troops were beaten back, and obliged to retire on the Bala Hissar. The contest continued between the troops in the cantonments and the insurgents in the city. All communication with the interior of the country was cut off; no forage could be got for the animals

attending the army for the conveyance of stores and artillery; and attacks were made without intermission, day and night, so that the troops were obliged to be continually under arms, day after day and night after night, and indeed the whole garrison was obliged to be constantly under arms. They could have no relaxation or repose. The commissariat was not placed in cantonment, but was in a dismantled fort at a distance from it, which was immediately under the fire of a strong force stationed in a place called the King's Gardens, at that time in the possession of the insurgents. It was therefore impossible for the army in the cantonment to communicate with the commissariat. Attempts were made to effect a communication, but it was found impossible to succeed in those attempts. The contest continued day after day, for the purpose, if possible, of carrying supplies of food and forage over to the troops in cantonments. As happens always under such circumstances, by degrees the men lost their spirits. They lost those spirits which generally accompany strength of body; they lost their habits of subordination and discipline. Indeed it appears clearly, from the papers on the Table, that the discipline and subordination of the army were completely gone. The animals belonging to the army were famished, and, upon the whole, never were men in a worse situation than that in which this body was placed in December, little more than a month after the insurrection had broken out, and the attack was made upon the house of Sir Alexander Burnes, and he and other officers had been murdered. It was thought proper at that time to open negotiations with those who were understood to be at the head of the insurrection, and to guide the parties opposed to our troops, and (as it then appeared) to their own sovereign. In the course of their negotiations the gentleman who conducted them—the Minister of the British Government to the Shah Soojah—had occasion to have an interview with the person to whom he was treating, and that gentleman was murdered in the most treacherous manner. Notwithstanding this murder, and the circumstances by which it was accompanied—notwithstanding the treachery and breach of engagement which marked it—the negotiation was continued for the evacuation of the cantonment, and for the march of the troops back to Hindostan. My Lords, the disorganization of the army had already commenced; but the discouragement and want of confidence of the troops in their leaders were increased by these nego-

tiations for the surrender of all for which the army had been called on to make such great efforts, and to endure so many miseries, inflicted by the severity of the climate and the want of food. Their discouragement was increased, I say, by these negotiations, which concluded in an agreement that the troops should evacuate the cantonments, and should proceed on their march back into Hindostan at a certain time; and a promise was made by the other party that stores of provisions and the means of conveyance would be supplied, to enable the army to make the movement. My Lords, I am sorry to say that when inquiry came to be made into the manner in which the troops were to be marched from the cantonment, they were not in a state of discipline, subordination, and order, to enable them to execute the movements which they were ordered to make: Without discipline or order, without confidence in their officers, I can hardly call them more than a mob with arms in their hands; and in fact they were almost driven out of their cantonment by the mob of Cabul, anxious for plunder. In this state they were followed, hour after hour, day after night, and night after day, in a mass in which no order could be distinguished, armed men mixed with camp followers and women, and fired at from every direction, notwithstanding the engagement made for their protection, having no means for the conveyance of the sick, no provisions, scarcely any clothing to shield them against the inclemency of the weather, and this continued as long as the human frame was capable of enduring such hardships. The whole body became more and more disorganised. The women were left in the hands of the chief who had negotiated for the march of the army, and had engaged to provide for their security and support during the march. After the women and some of the officers had been given up to him, others were taken prisoners; and, in short, my Lords, this distressing march continued till every one belonging to the army had either been killed or taken prisoner, except one, a medical gentleman of the name of Dr. Brydon, who succeeded in reaching Jellalabad. Such, my Lords, is the outline of these distressing events. It is very true that there is no official account of these transactions: accounts of them have reached the Indian Government in private correspondence, extracts of letters, and other papers of that description, which, however correct may be the statements they contain, cannot be treated as official documents. It is not my wish to impute blame to anybody on account

of these misfortunes. Inquiries respecting them have been ordered to be instituted in India: these inquiries were commenced by the late Government, and have been continued by the existing Government. I have not yet heard what is the result of the investigation; but I really believe it will be found that the statement which I have made to your Lordships is as nearly the truth as possible. The officer who commanded the troops, certainly, in the first instance, had not the power to take measures which might have prevented the misfortunes which I have described. He was very ill at the time, and the injuries which he subsequently sustained by a fall from his horse rendered him incapable of making exertions which were necessary to remedy the evils which arose. I must say that after the first few days, and more particularly after negotiations were commenced for the surrender of the citadel, which were carried on by the gentlemen at the head of the British military and civil affairs in Cabul, it would have been quite hopeless to expect that our forces could have been able to retain their position in that country. The negotiation aggravated all the evils of their position, and sooner or later some great effort must have been made to remove our troops out of the country. I must do the Government which existed at the time in India the justice to say, that after the misfortune which befel our army every effort was made to collect troops, and to take measures to insure the safety of the garrison, which, by its own bravery and good conduct, had established itself at Jellalabad, and likewise to protect and save the other garrisons and troops which were still in the Affghan country. The present Governor-General, I understand, landed in India on the 28th of February, 1842; and it appears that he gave his first orders in respect of these transactions on the 15th of March. Great difficulties were experienced in carrying into execution the measures ordered by the former Government for directing troops on the Indus, with a view to the relief of the troops still remaining in the Affghan territory, owing to the want of the means of conveyance for the provisions, ammunition, treasure, and other articles which were to be carried, and without which it would have been useless to attempt to relieve any of the garrisons or troops. These difficulties were to be attributed to many causes, and, among others, to the vast loss of the animals used for the purpose of carrying burdens throughout the war, which had then existed for two or three years, and to the vast slaughter and destruction of the

persons who attended upon and drove those animals. It unfortunately happened, also, that the Government had agreed to hire the animals which were to be employed in carrying those things which were necessary for the garrisons and troops in Affghanistan, instead of purchasing them, and hiring persons to take care of and drive them. I have served in India, and I know that a difference of opinion prevails as to which is the best course to pursue, whether to hire the camels or to purchase them. Perhaps in some parts of the country it may be desirable to take the camels and their drivers on hire, and in others it may be desirable to purchase camels for the use of the state, and to hire persons to drive them. However that may be, it is evident that the error in these transactions was this—that the camels, being taken on hire, were hired to go to Jellalabad, and no farther. The camels were knocked up at Peshawur, or the drivers did not choose to go farther, and the consequence was that there were no means of conveying the ammunition, provisions, and other necessaries beyond Peshawur. No advance of money, no promises, no temptation that could be held out, could induce the camel-drivers to advance beyond that point; and thus the efforts which had been made to relieve the garrison at Jellalabad were frustrated. General Nott, who had so gallantly taken possession of Candahar, was in the mean time doing everything to defend himself and the troops under his command in that position; but it was impossible to get him to move, not alone on account of the military difficulties of the country, which was well defended by the armed inhabitants, and which has at all times been the great feature of defence in that territory, but also because, even if the country had been open, he could not stir for want of the means of conveyance for ammunition and stores. Under these circumstances, the Governor-General in Council issued an order on the 15th of March, in which he declared what his intentions were with respect to the relief of the garrisons and other operations to be carried on in Affghanistan. The first operation was with respect to the troops collected at Peshawur—collected as they could be collected both by the preceding and the existing Government. The existing Government turned its immediate attention to furnishing those troops with the means of conveyance. It was found that the troops could not move until the end of the month of March; and, in point of fact, our force entered the Khybei Pass on the 6th of April, and arrived in due course of time at Jellalabad,

where they formed a junction with General Sale. It is but justice to Major-General Sale to state that he had, with great labour and skill, fortified his post at Jellalabad, that he made repeated sorties, in which he drove back the enemy, and that on the 6th of April, before he was joined by the reinforcements from Peshawur, he made another successful sortie against the enemy, who had come down with his whole force, with the intention of attacking Jellalabad. General Sale attacked the enemy's camp on the 6th of April, and gained a complete victory, taking possession of all the enemy's cannon and stores. Thus General Sale relieved himself, and General Pollock, marching through the Khyber Pass, according to orders, arrived at Jellalabad. This was the first operation that was performed. But though the garrison at Jellalabad was relieved, there were still other garrisons without the means of communicating with Hindostan, or with other posts belonging to the British army, and which were not secure against the evils which had befallen our troops at Cabul. There was a considerable force at Candahar, a sufficient garrison at Ghuznee, another garrison at Khelat-i-Ghilzie, and another at Quetta. Now the object must have been, at that time, to secure communications with all those posts; for, whatever might be intended in respect to future connexion between the British power and the Affghan country, it was indispensable that at least the troops then in the country should be placed in safety. For my part, being at that time a Member of Her Majesty's Council, that which I felt to be necessary above all things was to secure communications with all our troops in Affghanistan, and, if possible, to bring off all the garrisons and the prisoners; and I confess I thought that, if those objects could be accomplished, everything would be done which could be required for the honor and character of the country. The noble Lord at the head of the Government in India continued his efforts to effect these objects. The garrison at Candahar, the force under General Sale at Jellalabad, and the troops under General Pollock, which had joined him there, the garrison at Quetta, and the detachment under General England, were all equally without the means of conveyance for the ammunition and other things essential to the movement of an army. The Governor-General continued his efforts to supply the means of conveyance. If your Lordships will take the trouble to look through the volume of papers, you will see what efforts the Governor-General made to this end; you will perceive

that he was in constant correspondence with all manner of persons who could aid and assist him in his object; you will find that he was in constant correspondence with the officers commanding in the Affghan territory, with the view of ascertaining what they wanted, and what progress was made in supplying their wants. Your Lordships will likewise perceive that the Governor-General was also in correspondence with those officers in order to ascertain at what period it would be most expedient, with reference to the health and efficiency of the troops, for them to retire from Affghanistan. The Governor-General obtained the officers' opinions on that subject; and as early as the 15th of March the noble Lord indicated clearly his intention not to embark again in the reconquest of the country, however desirous he might be to make it felt that the British power had the means of avenging any injury which might be inflicted upon it. I mention that circumstance, not for the purpose of raising any political discussion, but only because it is a fact material to be known in the progress of my narrative. On the 19th of April, the Governor-General having then obtained further information with respect to the wants of the several armies in Affghanistan, and having just received an account of the failure of one detachment, under General England, in an attempt to reach Candahar by the Khojuk Pass, and being sensible of the mischief which must result from the want of communication between the several bodies of troops in Affghanistan and the Government in Hindostan, and with each other, directed that the Generals commanding at Candahar, Jellalabad, and elsewhere, should turn their attention seriously to the withdrawal of their troops at the period at which it should appear most seasonable to do so, with the least inconvenience to the troops, and in the manner most likely to tend to the preservation of their health and efficiency; for, my Lords, the climate in some districts of that country is such that in winter troops cannot be exposed to it—in others, rains are likely to impede the progress and injure the health of an army. Under these circumstances, the Governor-General, on the 19th of April, gave directions for the withdrawal of the garrisons from Candahar and Khelat-i-Ghilzie. It appears from the correspondence that the generals commanding those troops were of opinion that it would not be expedient, with reference to the health and efficiency of the troops, even supposing they were supplied with the means of conveyance, to retire until the month of October. The Governor-

General then issued instructions to General Nott, the officer in command of the troops at Candahar—which instructions, I must say, are some of the handsomest I have ever seen given by any authority to any officer whatever. I have been employed on many occasions, and have of course received various instructions given under circumstances of difficulty; but I must say that I never saw any instructions more handsome and fair towards the individual who was to carry them into execution than those written by Lord Ellenborough to General Nott. I must also do General Nott the justice to say that he accepted the instructions most gallantly, and carried them into execution with equal decision and gallantry. I honor him for it. He made no difficulty about the instructions; he took time to consider, as he ought to have done; and, having so taken time to consider, he accepted the instructions and carried them into execution. The transaction is equally honorable to both parties; and I hope your Lordships will be induced to give your thanks, both to the author of the instructions and to the gallant officer who carried them into execution. Under his instructions, General Nott, who had been twice engaged with the enemy at Candahar, and defeated him on each occasion, marched out on the 10th of August, and he again defeated the enemy, though greatly superior in force to his own army. The gallant general pursued the enemy to Ghuznee, where they posted themselves on the heights, under the protection of the fire of that fortress. On coming up with the enemy in this position, General Nott attacked and again defeated them. He then attacked the fortifications and citadel of Ghuznee, and obtained possession of them on the 8th of September. In the mean time the Governor-General was in correspondence with General Pollock in the neighbourhood of Jellalabad. That general had been supplied with means for conveying his provisions, ammunition, and everything he required to enable him to move forward. General Pollock, having sent detachments against some of the chiefs who occupied castles between Jellalabad and the Khyber Pass on the one side, and between Jellalabad and Cabul on the other, was enabled to advance on Cabul. He moved forward, and in that very valley in which, as I have stated to your Lordships, our people had formerly been massacred on retiring from Cabul, he gained a victory over the enemy. He followed up his success, and continued his attacks upon the enemy day after day, until he arrived at Cabul, and hoisted his standard on the

Bala Hissar on the 16th of September, where he was joined in a day or two by his brother-General Nott, who had marched on Cabul after having, as I before stated, taken and destroyed the fortress of Ghuznee. Thus did our victorious forces unite, in the middle of September, at the spot where our great previous disasters commenced. When I state to your Lordships that the Governor-General landed in India on the 28th of February, that he gave his first order relative to these transactions on the 15th of March, and that between that day and the 16th of September the great misfortune which we had suffered was thus remedied—I think I am entitled to ask of your Lordships this: that, Her Majesty having expressed her approbation of these services in her gracious Speech at the opening of the Session, your Lordships will support Her Majesty in the step which she has taken. I have not stated all. Several of our countrymen and countrywomen were prisoners in the hands of the enemy. Between the 16th and the 26th of September all those prisoners were safe in the hands of the British generals. Several of the prisoners had been delivered by General Nott at Ghuznee, for there also a capitulation had been made without any cause—without any pressure upon the officers who made it; and they who made it were afterwards cut up and destroyed, and their unfortunate troops carried into captivity and sold into slavery. Thus, in less than six months from the period when the Governor-General landed in India, and issued his first order relative to these transactions, everything was done which the most sanguine mind could have formed an expectation of for remedying the evils and misfortunes which had occurred in the previous December and January. I now conclude by moving,—

'That the thanks of this House be given to the Right Honorable Lord Ellenborough, Governor-General of the British possessions in the East Indies, for the ability and judgment with which the resources of the British empire in India have been applied in the support of the military operations in Affghanistan.

'That the thanks of this House be given to Major-General Sir George Pollock, G.C.B.; to Major-General Sir William Nott, G.C.B.; to Major-General Sir John M'Caskill, K.C.B.; to Major-General Sir Robert Henry Sale, G.C.B.; to Major-General Richard England, and the other officers of the army, both European and native, for the intrepidity, skill, and perseverance displayed by them in the military operations in Affghanistan, and for their indefatigable zeal and exertions throughout the late campaign.

'That this House doth highly approve and acknowledge the valor and

patient perseverance displayed by the non-commissioned officers and private soldiers, both European and native, employed in Affghanistan, and that the same be signified to them by the commanders of the several corps, who are desired to thank them for their gallant behaviour.'

Vote agreed to.

March 7, 1843.

POOR-LAWS.

Lord TEYNHAM moved certain resolutions condemnatory of the separation of man and wife, and of parents and children, under the Poor Law administration.

THE DUKE OF WELLINGTON said:

It has always been the habit of your Lordships' House to listen with the utmost attention to what falls from a noble Lord who addresses your Lordships for the first time, and who has for a short period only been a member of your Lordships' House, and I am happy to congratulate the noble Lord upon having received the utmost attention from your Lordships during the address he has delivered on this occasion, and I am convinced that your Lordships will have been satisfied of the zeal and anxiety of the noble Lord on the subject on which he has addressed you. The noble Lord has done your Lordships justice in stating that you would give the utmost attention to every question in which the interests and happiness of the people are involved; and you have given your anxious attention to such questions; you have frequently done so on former occasions, and I am extremely concerned that it falls to me, in the execution of a public duty I have undertaken, to warn your Lordships against being led away by the eloquence of the noble Lord, and by the topics he has urged, to adopt the resolutions which the noble Lord has laid upon the table. I say 'laid upon the table,' for in point of fact, in the whole of the able address of the noble Lord, he has not stated one word in reference to the execution of the measure he has recommended to your Lordships to adopt. He has endeavored, very naturally, to excite your Lordships' feelings in respect to some parts of the execution of the Poor-Law; but he has not stated one word in respect to the carrying into effect of the measure he has recommended to your Lordships in the resolutions he has brought

forward. We are left wholly in the dark as to the manner in which the measure is to be carried into execution; and I think that in the course of the noble Lord's speech I perceived that he was not exactly aware of all the circumstances attending the matters to which he has drawn your Lordships' attention. For instance, that which the noble Lord called 'a divorce,' and argued upon as, in fact, a divorce, is, in truth, no separation at all, except so far as regards sexes; the parties reside under the same roof; they see each other at all hours of the day; it is only as sexes they are separated. The noble Lord appealed to your Lordships, and asked what would be your Lordships' course of conduct supposing such a proposition were made to one of your Lordships. Why, my Lords, I apprehend that your Lordships are—I know some are—liable to have that proposition made to you; such of your Lordships as are members of the naval and military professions are liable to suffer that very privation. Take it that this separation of the sexes is very lamentable, if you please; it is very lamentable that parties should be obliged to go into the workhouse; it may be very lamentable that it is impossible to carry on that system of out-door relief which was in existence ten, twelve, or fifteen years ago; but it is very lamentable that the abuses should have existed which did exist ten or fifteen years ago, and for which, though they attracted the attention of some of the greatest men in the country, they could not devise a remedy. Mr. Pitt, Mr. Whitbread, and Mr. Sturges Bourne were sensible of, but could not find a remedy for, the evils resulting to the poor, to the lowest class of the poor, from the system of out-door relief under the old Poor-Law. If the noble Lord had considered the subject he would have seen that this was the fact. But what I wish to call your Lordships' attention to is, that the noble Lord now calls upon you to legislate by the way of resolution on this subject. My Lords, some short time ago, in the present Session of Parliament, in answer to a question put to me on the subject, I had the honor to state to the House that a bill to amend the Poor-Law was under the consideration of Her Majesty's Government, and would be introduced into Parliament in a short time. That bill has not yet been introduced, because there have been so many other subjects under consideration, some of which have been introduced, and others are about to be introduced, that it has not been possible to bring it forward; but the measure will undoubtedly be brought forward in a very

short space of time, probably before the Easter recess. Under these circumstances I venture earnestly to recommend to your Lordships not to think of agreeing to these resolutions, which can be binding on nobody; they cannot be binding on the House; they may be on the noble Lord and those who support him; but they cannot be binding on the House itself; and your Lordships may support the measure which shall come up to you—it may pass and become the law of the land, though it may be inconsistent with these resolutions. Under these circumstances I recommend your Lordships not to vote for these resolutions, even though the noble Lord should propose some measure to carry them into effect, and he has yet done no such thing. You will shortly have the whole measure of the Government before you, and if you propose any amendments—and I entreat you to do so if you think fit—I shall be ready to discuss whatever amendments any noble Lord may propose; but I entreat you not to stultify yourselves by framing resolutions which cannot be binding on yourselves—which can, in fact, bind nobody—but that you will wait till you have the whole measure before you, and then decide upon the course you will take. In the mean time I move that this House do now adjourn.

House adjourned.

March 9, 1843.

SOMNAUTH—LORD ELLENBOROUGH.

The Marquis of CLANRICARDE moved a resolution condemnatory of Lord ELLENBOROUGH'S Somnauth proclamation, and of his letter to the princes, chiefs, and people of India.

THE DUKE OF WELLINGTON said:

I listened with attention to the sentiments expressed by the noble Marquis at the commencement of his speech, with respect to the feelings of the noble Lord the Governor General of India, who is now absent, and employed on the service of his country; and I confess that I should have been more satisfied with those sentiments if the noble Lord, in framing his resolution, had not thought proper to make it of a cumulative kind—bringing under your Lordships' consideration two documents which relate to subjects totally and entirely distinct from one another. My Lords, it cannot be said that the last of these papers, the letter addressed to

the Hindoo princes, contains any attacks upon the Government which preceded the noble Lord. The noble Marquess thought fit to give that character to the paper to which he first directed your Lordships' attention, but he has not said one word to prove that that character attaches to the other paper; and therefore I say that his resolution is a sort of improper cumulation of the contents of both papers, with a view to make out a case against the present Governor-General, and not to prove that he had made an attack on his predecessor. I will advert to these papers in the order in which they have been introduced to your Lordships' consideration by the noble Marquess opposite, and I will first take the proclamation of the 1st October, 1842. The noble Marquess states that such a proclamation is entirely without precedent. I certainly am not aware of any precedent of the kind; the precedent to which the noble Lord adverted—that of Lord Cornwallis, a respected nobleman who succeeded my noble relation in the Governor-Generalship of India—is not at all in point to the present case. The facts are totally different. War, no doubt, existed in both cases. At the time referred to by the noble Marquess there was more than one invasion of the Company's territories. Lord Cornwallis thought proper to write despatches on the former occasion—very proper despatches, I have no doubt, but the case is not at all in point. But did not Lord Ellenborough's predecessor issue a public declaration stating the circumstances under which he had commenced certain operations? I have always been desirous, in addressing your Lordships on this subject, to avoid adverting to antecedent occurrences and transactions. Through all the discussions we have had I have never adverted to these transactions further than was absolutely necessary in order to elucidate the case, which it was my duty, on the part of Her Majesty's servants, and in defence of a noble Lord employed in the public service abroad, to state to your Lordships; I have stated nothing except what was brought in writing before your Lordships, and on this occasion I will not do more. I want to accuse nobody, and I desire to do no more than defend a noble Lord who is absent. And first, I must remind your Lordships of the proclamation issued by the noble Lord the late Governor-General, setting forth, not for the information of the Court of Directors of the East India Company alone, but for the information of East Indian society and the world, the circumstances attending the commencement of

those operations which Lord Ellenborough found in the course of execution when he arrived in India. In that document, dated Simla, 1st October, 1838, the noble Lord declares his intention to enter Affghanistan. The arrangements for his entrance into that country are also stated, and it fell to the lot of Lord Ellenborough to be under the necessity of putting an end to those arrangements and that policy, and to close the scenes which had continued for some years, and in the latter part of which a terrible military disaster had occurred. I say that it was reasonable and right in Lord Ellenborough to make known to the world the existing state of affairs in Affghanistan, and the measures he intended to take with reference to that country. Your Lordships will recollect that the Company's Government and the Affghans were not the only parties to this arrangement. The Sikhs were also parties to the arrangements for the invasion, and must be made parties to the final arrangements for terminating the war; they must, at all events, be informed of those arrangements. There was another point to which the noble Lord adverted, the necessity of thereafter providing for the defence of the vast dominions placed under his government, and for the security of which it was his duty to take precautions. Now, my Lords, I cannot help thinking that he could not well have done otherwise than have stated publicly to his allies and the world the situation in which he found himself placed after the disaster, and after he had returned with his army from Affghanistan, and the position in which he was likely thereafter to stand. Now on that ground I say that the situation of Lord Ellenborough was totally different from that of Lord Cornwallis, or any other Governor-General, and that the necessity for these proclamations followed from the situation in which he was placed. The noble Marquess says he is ready to admit that there is nothing in the proclamation but what is true; and it must be evident that it contains nothing that is not strictly fact. It is the fact that the treaties alluded to were made; that the sovereign was placed on the throne; that he was afterwards suspected of treachery; that he was assassinated; and that this terrible disaster happened. The disasters are described as having been 'unparalleled in their extent'—I believe nobody denies that, 'unless by the errors in which they originated, and by the treachery with which they were completed.' My Lords, the noble Marquess has referred to me—but I have given no authority for any such report—as the person

who gave advice to the Governor-General on the subject. I certainly have given my opinions to the Governor-General—many more than, I am afraid, will be useful to him—but certainly none which could have given foundation for anything that appears in these papers. At the same time I must say that I entirely concur in the propriety of every word contained in that proclamation. As I said before, I impute no blame to any one. I do not rise to blame the noble Lord whom I see in his place opposite (the Earl of Auckland); I cannot, however, help having read the history of these transactions as it is given in these volumes, and I cannot help seeing the enormous errors which have been committed. I cannot help seeing that from the commencement of these transactions down to the moment of the retreat from Cabul the greatest errors were committed. The first error of all I attribute, not to the noble Lord, but to the unfortunate gentleman (General Elphinstone) who afterwards fell a victim, as I believe, very much to his own error. My opinion is, that the first error of all was in forming an army for the sovereign who was to be restored to Affghanistan, composed of English and Hindoos, and not of Affghans. Now, my Lords, what was the consequence of this? The whole system of administration, the collection of the revenue, and all the operations of Government, were carried on by English and Hindoos. They were involved in all the details of Government, including the collection of the revenue. My Lords, this appears in these volumes. I could show the passages by which it is established; and, in fact, great part of the loss sustained previous to the insurrection of Cabul, and during the insurrection throughout the country, was owing to the necessity of supporting by the Company's troops this body of English troops employed in the service of the Shah, and engaged in the collection of the revenue. My Lords, the gentleman I have alluded to ought to have known, or, if he forgot it, he ought to have been reminded of it, that throughout the whole of India, and during all the period in which subsidiary alliances have been formed with native powers, one uniform rule has prevailed, and that is, that the Company's troops, and above all the Europeans, were not to be employed in the collection of the revenue of India. That is a distinct and clear rule, invariably observed. The Company's troops are brought into the field to give their countenance and support to the measures taken for the collection of the revenue, but are never actually employed in that duty. Here, then, is one of the errors to which

the noble Lord the Governor-General adverts in his proclamation; but there are other errors, I say, and I can prove it: the country was never occupied as a country occupied by an army ought to be. The northern communication, which was the shortest and easiest, was never made use of—never occupied at all—I may say never conquered at all. Some troops, light infantry in the Company's service, and, I believe, a battalion of the Shah's force, moved from Peshawur to Cabul; they never arrived at Cabul; and, in fact, Cabul was taken possession of by the troops that advanced from Shekarpoor, Candahar, and Ghuznee. And then that communication, which was essential, and without which it was pure madness to leave a body of troops stationed at Cabul, never was commanded or kept in any way whatever, except by means of the payments made to the banditti who occupied the different passes. My Lords, I do not blame the noble Lord for this, but the gentleman whom the noble Lord employed to command his army. If he had ever looked upon what had been done under similar circumstances by any officer commanding an army, if a gentleman had been selected for the command of the army possessing common experience and common reflection in his profession, he would not have omitted to provide for the security of that communication which was the shortest and easiest with his resources, and the disaster which ensued would never have happened. Now, my Lords, here is one of the errors that were committed, and I must remind your Lordships that the present Governor-General had no more to do than I had with the selection of that gentleman. There was not only that communication, but there was another with Shekarpoor, Candahar, and Ghuznee from Cabul. Was that occupied? My Lords, it was never in the possession of our troops; they did not hold it even when the whole army had arrived at Candahar. In point of fact the Bombay army was the last that went up the Bolam pass; it had moved from it before Candahar was occupied, and after that the army stationed at Candahar remained there without a communication by the north, and, as it turned out, with not even any communication by the south. It was afterwards attempted by General England, in the month of March, to penetrate by the Bolam and Khojuk passes to Candahar with a brigade of troops, but he was unsuccessful. It has been asked very naturally, my Lords, whether that can be called a military communication which requires such a number of troops to

maintain it. Yet you must be aware that such was the real state of things; and, I ask, was not this another error, another gross error, to which my noble friend may well be supposed to have alluded? Here we have another error, with which the noble Lord opposite (Auckland) had no more to do than I had. The gentleman who unfortunately perished in the course of these events (General Elphinstone), had he been an officer at all, must have read the history of the war in Spain, in which case he must have seen how the French conducted themselves when carrying on hostilities under very similar circumstances. They took care on every occasion to secure their communications from one part of the country to another. But the gentleman upon whom fell a large share of military responsibility at this time was unfortunately no officer at all; and here I say is another error: and these are the errors to which the noble Lord must have seen that my noble friend intended to refer, if the noble Lord had not been bent on making out an accumulative case against my noble friend. It is perfectly true that the resident at the court of a foreign sovereign, under circumstances such as those in which that gentleman was placed, must have certain relations with the military movements of the troops; but, my Lords, I have stood in that situation myself; I have been in relation with gentlemen who acted as residents at a foreign court: under such circumstances the troops cannot move at all without the orders of the Government; but the foreign Government cannot apply to the commanding officer except through the resident, and then, when the commanding officer receives such an application, he takes care to see that the Government have secured for his troops whatever may be necessary to their safety and efficiency. My Lords, not only have I been in such a situation myself, but I was so up to the last moment of my services in Europe. In Paris I had, not one minister only to deal with, but a whole corps of ministers, and I should like to have seen a minister, ay, or a whole congress of ministers, come to give me orders. What I did was to communicate with them in such a manner that I might be sure the facts stated to me, and on which it would become my duty to frame my decisions, should be the whole of the facts, and not a partial statement. But never did I hear of a resident minister who had the direction of the troops, particularly at a time when great operations of war were carrying on. I was employed on such operations, and not only

was I not then under the orders of the residents, but they were under mine. They were under my direction. I was responsible, accordingly, for the safety of all the troops under my command. No error of this kind ever occurred to me; and I think it is only fair to my noble friend, now on the other side of the world—I say it is only fair to give him credit for these errors being the errors to which he adverts, and not to suppose that he intended to attack the noble Earl (Auckland) opposite respecting the origin of these transactions. The errors to which I have referred are obviously those to which my noble friend adverts as having been the occasion of these disasters. I may have my own opinion as to the origin of these transactions, and others are free to entertain opinions on them; but I do not want to bring my opinions on these matters forward now. I have no wish at present to provoke a discussion on these transactions. I only want to defend my noble friend; but I am quite clear there is no difference now between the two noble Lords with respect to the result. The noble Earl opposite, before he quitted the country, announced his intention, very properly, not to renew the occupation of Affghanistan, and my noble friend makes the same announcement. We all agree that it was quite right to discontinue our military operations in that country, and they have been discontinued, and in a manner that has merited the approbation of your Lordships—in a manner that has led you to vote an expression of your thanks to the officers and troops engaged there. The noble Marquess, in candor, should have considered the history of these operations, and should have reflected what the errors were to which my noble friend referred, and not have brought them forward thus to make out a cumulative case against my noble friend. I come now to another paper to which reference has been made, but which, instead of being directed against my noble friend's predecessor, is nothing less than a song of triumph. I call it a song of triumph; and, my Lords, I must beg to remind you here of some very unpleasant circumstances attending the state of feeling among our troops in India, respecting which your Lordships will obtain full information by referring to the despatches of March and May, from which you will see that the spirit prevailing in some portions of the army was by no means satisfactory, and of a kind very desirable to remedy. I know that when I heard of these transactions this was the point that gave me the most uneasiness, and most anxious was I that my

noble friend should be free to use all the means in his power to get rid of this feeling among the troops; that he should be able to restore among them habits of subordination; and that he should be able to restore a spirit of mutual confidence between the officers and the troops. Your Lordships will see from these papers, and from this song of triumph, that the spirit to which I have alluded no longer exists, and you will there read of honors and rewards distributed among the officers and troops, some of which have already been approved of by our most gracious Sovereign. Let us now refer to the letter on which is grounded the song of triumph. In his despatch of the 4th of July, to Major-General Nott, my noble friend expresses himself thus:—'You will bring away from the tomb of Mahmoud of Ghuznee his club, which hangs over it; and you will bring away the gates of his tomb, which are the gates of the Temple of Somnauth. These will be the just trophies of your successful march.' There, my Lords, you have the origin of this business, to which it has been my wish to draw your attention; and then, my Lords, there is another order among these papers to which I wish to draw your attention, that of the 16th November, in which my noble friend orders a detachment to be formed to convey these gates to India. Oh, says the noble Lord, the taking away of these gates, and these dispositions for their conveyance, are calculated to excite religious feelings among the Moslem and Christian population. Now, I ask, is there any hint given by my noble friend's order that the conveyance of these gates is not to be intrusted to Moslem, Christian, or Jewish soldiers?—for there are some of all three in our Indian army. No such thing. The order is a common order, by which the army is commanded to take charge of these gates, without any preference to Christian, Jew, Hindoo, or Mahometan. They are ordered to convey away these gates, as the 'just trophies of their successful march,' and as marks of their distinguished services at Ghuznee. My Lords, I know something of that army. I have served in its ranks, and I know pretty well what its feelings are; and though there are different castes and religions composing it, the discipline of that army, and the military spirit by which it is actuated, totally do away with all such distinctions. You will never hear in India of any difference of caste or religion in that army, any more than you would in the ranks of the British army. All do their duty, all are animated by the true feelings of soldiers, and all must have

felt and enjoyed this triumph after the hardships they had undergone—all must have exulted in bearing these trophies of a successful march back to India. I do not mean to say there may not be a Moslem feeling in some parts of India on this subject. I will not answer for individual feelings anywhere, and I know very well that such feelings may be spoken up, and I know very well that such feelings may be written up, and then the feelings so spoken up and written up may produce all these mischiefs which the noble Lord represented to your Lordships are so much to be apprehended. The state of things in that country is one of much greater difficulty now than it was when I was there, because there is now established in India what is called a free press, but what I shall make free to call a most licentious press; and by referring to these papers your Lordships will see that the mischievous influence of that press is repeatedly complained of. For my own part, I must own, I do not see how the operations of war can be carried on in a satisfactory manner in India, with such a press constantly exercising its influence, and connected through its correspondents with every cantonment of the army. Not only this press may stir up the feeling to which reference has been made, but the very nature of our successes in Affghanistan is calculated to call it forth. I am very glad that the noble Marquis has drawn your Lordships' attention to these papers, because it is necessary that you should attend to these different parts of the social order in India. I happen to know that the whole British population in India, including some 25,000 troops, does not exceed 50,000.

I come now, my Lords, to address myself to the last part of the subject adverted to by the noble Earl, namely, the encouragement which this paper is supposed to give to idolatry in India. Now really, if the noble Marquis had looked into history, he would have seen that this temple is not a heathen temple at all, and never was a heathen temple—at all events it is not a heathen temple at this time. Nobody knows exactly what it is. It is situated in the dominions of one of the Mahratta chiefs, and the population of the country are supposed to be Mahometans. This may be the case, but certainly the state of Guicowar is a Hindoo state, and the restoration of these gates to the territory of Guzerat would not, so far as I can see, tend in any way to the encouragement of idolatry, if there are none now remaining in that part of India of the idolatrous class by whom the temple was originally

erected. Really, my Lords, when the noble Lord charged my noble friend with encouraging idolatry, he ought to have more correctly informed himself of the facts connected with these papers, particularly when we consider that a short time previously my noble friend had addressed to the chaplains in the upper provinces of India a letter which I will now take the liberty of reading to your Lordships:—

'Simla, October 1, 1842.

'REV. SIR,—The seasonable supply of rain following our prayers recently offered to God for that blessing, whereby the people of the north-western provinces have been relieved from the fear of impending famine, and the great successes recently obtained by the British arms in Affghanistan, whereby the hope of honorable and secure peace is held out to India, impose upon us all the duty of thanksgiving to Almighty God, through whose paternal goodness alone these events have been brought to pass. Nor have we less incurred the duty of earnest supplication, that we may not be led to abuse these best gifts of God's bounty, or to attribute to ourselves that which is due to Him alone; but that we may have granted to us grace so to improve these gifts, as to show ourselves worthy of His love, and fit instruments in His hands for the government of the great nation His wisdom has placed under British rule. In the absence of any superior ecclesiastical authority in these upper provinces, I request that you will take these matters into your serious consideration, and that you will, on the 16th of October, offer to Almighty God such prayers and thanksgivings at the time of Divine service in your church, as may seem to you best suited to impress upon your congregation the greatness of the blessings which the British nation in India, and the whole people of India, have recently received; and the high moral responsibility under which God has placed all those who have committed to them any part in the government of this empire.

'I remain, Rev. Sir, your affectionate friend,

'ELLENBOROUGH.'

Is the noble Lord who wrote that letter likely to be an encourager of idolatry? No: he looked upon these gates merely as a symbol of triumph. Charity rejoices in the diffusion of truth; but we, it seems, are to look to fancy for our charity. The truth of my noble friend's sentiments you have in the letter I have just read to you; and I hope that, in passing a negative on the motion of the noble Marquis, your Lordships will be joined by the right reverend Prelates, whose duty and office it is to promote charity among mankind. I have endeavored to show to your Lordships that these papers have been entirely misunderstood by the noble Marquis. I have shown that the errors referred to by my noble friend must have been totally different from those referred to by the noble Marquis; and that no reference was in any way made

by my noble friend to the noble Earl (Auckland) now in his place on the opposite side of the House. I have endeavored to show your Lordships that the dangers apprehended from this sort of triumph exist only in the imagination of the noble Marquis, unless realised by the course he has thought proper to take, or by the inflammatory writings of a licentious press, here and abroad. I trust I have rescued the character of my noble friend from the charge preferred against him of being an encourager of idolatry, and I hope I have said enough to prevail upon your Lordships to reject the proposition now before you.

Motion rejected by 83 to 25.

March 30, 1843.

ILLICIT DISTILLATION, IRELAND.

The Earl of WICKLOW moved for papers on the subject of illicit distillation in Ireland.

THE DUKE OF WELLINGTON said:

My Lords, I regret that the papers which have been moved for by the noble Earl have not been produced, and I was in hopes that the noble Earl would not have brought the subject under your Lordships' consideration till all the papers necessary were laid on your Lordships' table. The subject is a very intricate one, and it is most desirable that you should have all the information relating to it before you. The very document which my noble friend has read is not on the table. I think, also, it would have been desirable that my noble friend should have confined his speech to that which relates exclusively to Irish spirits, and not have called on your Lordships to repeal the Scotch malt drawback. He might as well have had the Irish question settled first. The noble Earl has stated correctly what passed in the last Session with reference to the necessity of this measure. He objected, in the first instance, that Ireland was not included in the income-tax. I think he is justified, after the course he took last Session, and with the opinions he entertains as to the success of this measure, in endeavoring to prevail on the Government to make some alteration; but the mode of making those alterations should be communicated to the authors of the measure, and they should be

convinced that it is desirable to alter it; it should not be brought to your Lordships' House, which, in the common course of things, can only give one vote on such a question. I object, also, to the noble Earl's bringing forward the whole question of spirits in Ireland in the absence of my noble friend the President of the Board of Trade. The noble Lord has accurately stated the origin of this measure. It was adopted because it was found inconvenient to extend the income-tax to Ireland for the purpose of producing revenue. It was hoped, from the representations which had been made, that the measure would be successful in producing additional revenue, and would not cause increased smuggling. Besides, it was thought desirable by the distillers of Ireland themselves to bring the spirit duties of Ireland and Scotland nearer to an equality. My noble friend has left out of consideration that, in point of fact, a large quantity of spirits is legally consumed in Ireland which is brought from Scotland. It is a great advantage to Scotland to have its spirits in bond, and sell them in Ireland. This quantity is never entered in the returns of duties, which makes a great difference in the returns. This is one reason for the addition of one shilling in the duty in Ireland. I adhere to what I stated, namely, that there is an increase of 40,000*l.* in the duties in 1842. The noble Earl is mistaken in supposing that I said the accounts for 1842 stated an additional produce of duty, taking the four quarters together, which did not exist till the last quarter. What I said was, that the year produced more, including the last quarter. I stated the facts which were on the returns, and nothing more. The noble Lord admitted one cause of the increase of distillation. It is owing to the extreme lowness of the price of oats last year, as well as the extreme dryness of the season, which gave a great facility for obtaining fuel. Oats and fuel were cheaper than ordinary, and gave great facility to private distillation. Steamers have been stationed on the coast, which made it necessary to remove the spirits by land; the consequence of which was, that more convictions had been made than in former years. If, however, your Lordships will examine the returns, you will find the convictions in 1842, under the Act of last Session, and up to January, 1843, are not more numerous than those of former years, even with a low duty, when the price of oats was low, and the same facility of obtaining fuel existed. It does not therefore follow that the increased duty of 1*s.* is the cause of

the increase of private distillation, taking the number of convictions as the test. It is certainly true that there has been for some years a gradual decrease in the amount of spirits paying duty. In the last six or seven years the average has been 1,200,000 gallons: that was the amount of reduction last year. There might be some difference if the Scotch spirits paying duty were brought into account. The reduction has been owing to the system of temperance which has fortunately been gradually growing up, and which it is most desirable to encourage. I have one other observation to make on these returns. It is not true, in point of fact, when it is stated that drunkenness, and the crimes proceeding from that vice, have increased in the last year. I believe it can be shown that the number of these crimes last year was below the average of the last eight or ten years, and drunkenness, and the crimes arising out of it, have decreased, and continued to decrease, up to the last moment of the returns. I do not find fault with the course which my noble friend has taken, to draw the attention of the public and of the House to this subject; but I think another course might have been adopted. I have no authority for saying there is any intention of altering the present system with reference to the malt drawback. I understood that question to be settled entirely last Session, and to the satisfaction of the Irish distillers. I do not think this House made any engagement that the malt drawback in Scotland should be withdrawn, but that the question should be made the subject of inquiry by a committee of the other House. That was done, and a measure was adopted which was considered satisfactory to the Irish distiller. I am sorry, if the noble Lord wished to take any objection to it, that he did not do so last Session, instead of bringing forward the question now without notice.

Motion agreed to.

April 6, 1843.

DUTIES ON COTTON AND WOOL.

Lord MONTEAGLE moved for accounts of the cotton and wool imported during the preceding seven years, and of the duties paid thereon.

THE DUKE OF WELLINGTON said:

I regret that my noble friend the President of the Board of Trade could not be present to speak on a subject with which he is

necessarily much better acquainted than myself. I admit that the noble Lord (Lord Monteagle) is perfectly justified by the practice of the House in the course he has pursued, only I lament that I am not so well qualified to follow the noble Lord through the various topics to which he has directed the attention of your Lordships. The noble Lord says that he does not expect from the Government any declaration of their purpose with respect to the tax; but the noble Lord says, likewise, that it cannot be continued without inconvenience to trade. Your Lordships will, however, remember that it is a tax which has existed for many years; and I rather think that it is not quite so injurious as might be imagined from the speech of the noble Lord. I wish that the noble Lord, instead of calling for returns and accounts of importations for only a few years, had carried back his motion for the last nine or ten years; for had he done so, it would have afforded a fairer, as well as a clearer, view of the subject. The result would, in that case, have been somewhat different; nevertheless, the general argument of the noble Lord deserves consideration. The noble Lord commences by adverting to what passed in the last Session; and true it is that the noble Lord recommended then that taxes on the raw material should either be repealed or reduced. But the object of Parliament and the Government was, at that time, to provide for a deficient revenue, and to equalise, if possible, the revenue and the expenditure. With this view measures were taken to lower the duties on several large articles of import, and to establish the new tariff. It is certainly advisable to proceed in this matter with the greatest caution, in order to take care that, in the endeavors to supply a deficit, that deficit be not made more considerable. At all events, it is important to raise the revenue to the expenditure; but the course proposed by the noble Lord, instead of supplying a deficit, would have caused a diminution in the revenue to the extent of 800,000*l*. It was thought not desirable, last year, to add that sum to the 1,200,000*l*. already wanting; and this year the diminution will be to nearly the same amount. I beg to remind your Lordships of the state of the revenue at this moment; and I beg you not to do anything that might tend to break down a system which was only established last Session, and a perseverance in which would at least afford a chance of the repeal of the income-tax, at the end of the three years for which it has been imposed. I beg the House to wait a little while, until

the precise state of the income and expenditure is known. If, in another place, to which these matters peculiarly belong, it be thought fit that this or any tax should be reduced, I am sure your Lordships will be too happy to concur in such a proposition. But I entreat your Lordships not to encourage an idea of diminished duties on different articles until the general state of the income and expenditure has been ascertained. I confess that I do not think the article of cotton one which particularly requires a reduction of duty; at the same time I am perfectly persuaded of the truth of what the noble Lord has advanced respecting the operation of the duty on the different stages of the manufacture of the article. I beg, with reference to the papers moved for, to show that, in reality, in the course of years during which the duty has existed, that there has been a gradual increase, and a gradually growing increase, of the trade of the country in the article of cotton. The import of cotton wool in 1833 was 330,606,000 lbs., and in 1842 it had ascended to 532,798,000 lbs., or, on an average of nine years, it was 420,639,000 lbs. In the same way the declared value had risen from 13,000,000*l.* to 16,000,000*l.* sterling. The inference is, then, that the cotton trade has at least not been overborne by the amount of duty. It might, perhaps, be better if there were no duty at all upon cotton wool; but, as it is, it seems necessary to maintain it, especially as the trade has so prospered under it. As to this sheep-wool, there is this fallacy which runs through the speech of the noble Lord—that he omits to state that the imports of colonial wool are subject to duty, and colonial wool forms a large proportion of the fine wool introduced into this country. Upon the whole, I am of opinion that the returns, as moved for, would not give a fair view of the case; and as I am desirous that every information on the subject should be in the hands of your Lordships, I shall propose to extend the proposed returns over ten years, in order that colonial may be distinguished in them from foreign wool, and that they may also state which pay a high, and which a low amount of duty (1*d.* per lb. and ½*d.* per lb.).

Motion agreed to.

May 8, 1843.

POOR-LAW, IRELAND.

The Marquis of CLANRICARDE moved for a Select Committee to inquire into the effect of the poor-law in Ireland.

The Archbishop of DUBLIN supported the motion.

THE DUKE OF WELLINGTON said:

I will not attempt to follow either the noble Marquis or the Most Reverend Prelate through the details of their speeches, both of which appear to me to have been made in defence of the Report which was drawn up on this subject by the Most Reverend Prelate. The noble Marquis now proposes to appoint a Committee of this House to inquire into the propositions laid down in that Report, and to find whether the measures to be introduced for the amendment of the law are in conformity with the recommendations of that Report. I perfectly well recollect that this measure passed with greater unanimity through both Houses of Parliament than almost any important measure which I recollect. With the exception of a party in the other House—to which I do not pay any great attention—I mean the Repeal party—I believe the Bill passed with pretty general concurrence. I do not mean to say that the Bill has worked in every particular in such a satisfactory manner as not to call for some alteration or amendment. I know that complaints have been made of the conduct of the Commissioners, and an investigation has taken place at the bar of this House as to the proceedings of those who have the administration of that Act; and I feel bound to admit that it does not appear that the conduct of those persons in the administration of that Act has been perfectly satisfactory. It is perfectly true, as was stated by the noble Marquis, that the measure has not been productive of perfect satisfaction as regards putting down mendicity in Ireland. I admit also that the House is not at the present moment prepared with any measure to put down mendicity, for I believe that this cannot be successfully done until the Poor-Law Act is in operation in every part of the country. It is only very lately, indeed, that any steps could be taken to place the poor under its operation throughout the country. The noble Marquis and the Most Reverend Prelate both declare that the law is generally complained of in Ireland. I have been informed by noble Lords, and by a relative of my own only yesterday, that the

feeling is generally in favor of an amendment of the law, and not in favor of its total repeal. There has been a Bill introduced into the other House, which was read a second time, to amend this law; and I will not now pretend to enter into an explanation as to what are the enactments of that Bill. I know, however, that one part, which was fully discussed in the other House, goes to relieve the lower orders of the people from the expense attending carrying this measure into execution. When the Most Reverend Prelate complains of the increase of mendicity in Ireland, I will ask whether it is not fair to impute some of this increase of mendicity of which he complains to the circumstance of their levying poor-rates on these poorer classes of persons? Now one of the objects of this Bill is to relieve all this class of persons from the payment of rates. As to the complaints of the noble Marquis of the conduct of the Commissioners towards the guardians, I will suggest, if the noble Marquis wishes to make some legal provision to increase the power of guardians, that the most convenient course will be to propose an amendment to that effect when the Bill comes regularly under discussion and is in committee. In that stage of the Bill it will be the duty of the House to adopt any amendment which it thinks calculated to improve the execution of the law. The noble Marquis proposes that there shall be an examination before a Committee; and this, taking place while the Bill is under discussion in Parliament, will necessarily be attended with inconvenience. The noble Marquis and the Most Reverend Prelate are both for the total repeal of the Bill, or the alteration of the whole system, and, as this is clearly their object, I cannot recommend the House to assent to such an inquiry. At this period of the Session we have no time for inquiry before such a Committee as this; and as we shall have the amended Poor-Law Bill before us in the course of, probably, a fortnight, I earnestly urge the House not to adopt the proposition of the noble Marquis, but to give its best consideration to the measure when it comes before the House, and we can then make such amendments in it as will rectify some of the errors now found in the working of the law. The noble Marquis, also, had called for the production of an immense mass of returns, and this to such an extent that I am informed that they can hardly be prepared in the course of the Session. I, therefore, would ask the noble Marquis whether he can go through Committee without these being before him?

I will not allude at length to what has been said by the noble Marquis and the Right Reverend Prelate as to a feeling existing that the Legislature does not do justice to Irish subjects which come before it. Now, all that I can say is, that I have taken part in the discussions on this Bill, and I never recollect a measure being more calmly or attentively considered by all parties in the House, and I must say that, until recent complaint was made of agitation in Ireland, I never heard of that agitation being caused by the defective administration of the Bill. Under these circumstances, I shall feel it my duty to oppose the Bill.

Motion withdrawn.

April 27, 1843.

ADDRESS OF CONDOLENCE ON THE DEATH OF THE DUKE OF SUSSEX.

THE DUKE OF WELLINGTON said:

My Lords, I now proceed, conformably with the notice which I gave on Tuesday last, to move your Lordships to agree to an Address to Her Majesty, expressive of your Lordships' deep concern on the occasion of the death of His Royal Highness the Duke of Sussex, and of your condolence with Her Majesty on the loss which she has sustained. My Lords, his late Royal Highness was well known to all your Lordships. His Royal Highness frequently took part in those discussions which came under your Lordships' consideration; and although it was impossible for every person endowed with such acquirements, and possessed of such an understanding as belonged to his late Royal Highness, not to have felt strongly on the various events and questions which were from time to time brought under the consideration of this House, yet we ought to recollect that his late Royal Highness had always treated those subjects, however exciting they might have been, with much moderation and with great forbearance towards the feelings of others with whom he might have a difference of opinion. I must do his late Royal Highness the justice to say, that, though I have had the unhappiness to differ from him in opinion on various subjects which came under discussion in this House, yet, notwithstanding this difference of opinion, his late Royal Highness ever treated me with unvarying kindness

and with the greatest condescension. My Lords, his late Royal Highness, having received the benefit of an excellent education, and having in his youth passed a considerable portion of his time in foreign countries, was a most accomplished man; and he continued his studies, in all branches of literature and science, until almost the latest period of his existence. His late Royal Highness was during his whole life the protector of literature, of the sciences, and of the arts, and of the professors and representatives of all branches of knowledge. For a number of years His Royal Highness was elected President of the Royal Society, and he received the members of that learned body in his house with the greatest amenity and kindness. Having himself sedulously cultivated all subjects of literature, science, and art, his late Royal Highness was, I may say, the patron, protector, and friend of all those who pursued such studies, on every occasion that it was necessary. But other praise belongs to his late Royal Highness; his Royal Highness was not backward—on the contrary, he was equally forward with all the princes of his family—as a patron and upholder, as a supporter and protector of the various charitable institutions of this great metropolis; and, my Lords, up to the last moment of his life, he was the friend of the indigent and the unfortunate wherever they might be found. Under these circumstances, I hope your Lordships will be induced to agree to offer to Her Majesty an Address expressive of your condolence for the loss which she has sustained. I shall therefore move—'That an humble Address be presented to Her Majesty, to express the deep concern of this House at the loss which Her Majesty has sustained by the death of His Royal Highness the Duke of Sussex, and to condole with Her Majesty on this melancholy occasion; and to assure Her Majesty that this House will ever participate with the most affectionate and dutiful attachment in whatever may concern the feelings and interests of Her Majesty and her illustrious House.'

Motion carried *nem. dis.*

May 9, 1843.

REPEAL OF THE UNION.

The Earl of RODEN wished to ask Her Majesty's Government whether it was their intention to repress certain seditious meetings, addressed by demagogues, for the purpose of carrying the Repeal of the Union, and whether the Government intended to try to maintain, unimpaired, the legislative union between the two countries.

THE DUKE OF WELLINGTON said:

In answering the question put by my noble friend, I do not feel it necessary to follow my noble friend through the speech by which he has prefaced his question. I must say, however, that my noble friend is perfectly justified by the circumstances of the case in departing from the strict rules of the House. It will not, however, be necessary for me to go into any lengthened details, and I shall give a brief answer to my noble friend's question. The Government of Ireland is sensible of the excitement existing in a part of Ireland on the subject of the union, and it is sensible of the danger which might be the result of that excitement. The attention of the Government has been given to that state of excitement, and to the measures which have been adopted in order to keep it up; and the Government of Ireland and Her Majesty's servants here have adopted measures in order to enable the Irish Government with certainty to preserve the peace in Ireland, should any attempt be made to disturb it, and to prevent the successful result of any measures to disturb tranquillity which any mischievous person in Ireland might have in contemplation.

There can be no doubt, though I am glad that my noble friend has read extracts from the record of the proceedings of Parliament to confirm it—but there can be no doubt whatever that the sense of the Legislature has been declared, and that it has been, and is at the present moment, resolved to maintain inviolate the legislative union between the two countries. It is, therefore, the duty of Her Majesty's servants to take every measure in their power that can tend to maintain that union, and prevent any disturbance that may tend to break the peace of the country. I cannot doubt the continuance of that desire on the part of the existing Government, I may say the anxiety of Parliament, to maintain inviolate the Legislative union; as was declared in the Address of the year 1834, upon the motion of a noble Lord in the

other House of Parliament, and of a noble Earl in this House. There can be no doubt of the intention of Her Majesty's Government to maintain the union inviolate; it is the duty of every Government, and I will say it is the determination of Her Majesty's present Government, to maintain that union inviolate, and to come down to Parliament and call on Parliament to give Her Majesty's Government its support in carrying into execution any measure which may be considered necessary to maintain the Union inviolate, and to preserve from disturbance the peace of Her Majesty's Government. I will now read to your Lordships the joint Address of both Houses in 1834: it is as follows:—

'Our fixed determination is to maintain, unimpaired and undisturbed, the legislative union between Great Britain and Ireland, which we consider to be essential to the strength and stability of the empire, to the continuance of the connexion between the two countries, and to the peace, and security, and happiness of all classes of your Majesty's subjects. We feel this our determination to be as much justified by our views of the general interest of the state, as by our conviction that to no other portion of your Majesty's subjects is the maintenance of the legislative union so important as to the inhabitants of Ireland themselves.'

This is the opinion of Her Majesty's Government at the present moment; that opinion I feel confident will now receive the support of Parliament; and on this opinion Her Majesty's Government will invariably act.

May 23, 1843.

SEE OF ST. ASAPH AND BANGOR.

The Earl of Powis moved the second reading of the Bill for preventing the union of the sees of St. Asaph and Bangor.

THE DUKE OF WELLINGTON said:

My Lords, I have listened with the utmost attention and respect to the speech of my noble friend, and I must say that there never was an occasion on which any of your Lordships has thought proper to apologize for his presumption—as was stated by my noble friend—in addressing the House on any subject, in which such an apology was so little necessary as upon this occasion on the part of my noble friend. My Lords, I listened with the utmost attention to the statement made by my noble friend, on the part of those petitioners whose petitions he has during various

periods of the Session, including the present evening, presented to your Lordships, on the part of his fellow-countrymen of the principality of Wales, and particularly of the inhabitants of the territory composing the dioceses of St. Asaph and Bangor. My Lords, I respect those persons on account of their sincere attachment to their Church, and their desire to maintain it in their country in the state in which it has existed for a great number of years. I respect my noble friend, my Lords, on account of the zeal with which he has advocated their cause. But, my Lords, I beg leave to remind your Lordships that you have other duties to perform besides those of attending to that call, however interesting on the part of my noble friend, and to the petitions which he has presented to your Lordships from his fellow-countrymen, inhabitants of the principality, to which he has adverted. My Lords, it is my duty—a duty which I have undertaken to perform, and which I must perform in this House—to call your Lordships' attention to the nature of the proposition made by my noble friend, and to what it is that you are now called upon to repeal. I have to call your Lordships' attention to what that law is, and to all the circumstances attending upon it; and I hope my noble friend will excuse me if I should be under the necessity of discussing freely the argument which he has brought forward in support of the measure which he has submitted to your Lordships. My Lords, I beg leave to remind your Lordships that the clause of the Act, which my noble friend has proposed to you to repeal, is part of an Act of Parliament passed through this and the other House of Parliament; and certainly, as my noble friend has said, with little opposition at the time it was passed. There certainly was no degree of opposition, considering the importance of the question to which the Act of Parliament related. We certainly, at the time, never heard a word of objection to the arrangement then proposed. There was, indeed, a question raised in the other House of Parliament respecting the use of the Welsh language, which question I see, by the Reports of the Commissioners and by the Orders in Council, has been settled in the most satisfactory manner. But with respect to the present part of the arrangement, until this Session of Parliament I must say I never heard of any opposition to it. My Lords, my noble friend has adverted, in the latter part of his speech, to the powers confided by this Act of Parliament, and which my noble friend has styled unconstitutional.

I think I did hear that term applied before, when the measure was formerly under our consideration. I think that a similar objection was made to it; but, my Lords, considering the importance and immensity of the objects to be carried into execution, I conceive that the powers it conferred, though great, were not too great to be conferred on those on whom the task devolved of carrying those measures into execution. I beg to remind your Lordships of what the foundation of those measures was. There was a desire universally felt in the years 1834-35 to render the Established Church more efficient and more useful, and the desire was to make its action more extensive, and to increase the attachment of the people to it by rendering it more useful, by removing anomalies and objections which might be made to it by some, and which might check the attachment of those who entertained a sincere affection and attachment to it. It was desired to attain that object by means of the heads of the Church establishment themselves, and that was done by the appointment of a Commission, consisting of the principal dignitaries of the Church, of the Lord Chancellor, of the principal officers of the Government, and of some of the first statesmen that are alive, or who have appeared in this country for many years. My Lords, these Commissioners were appointed, made a Report to the late King, and proposed, if the Crown relinquished its patronage, the relinquishment of some of their own patronage. They proposed the eventual curtailment of the revenues of many of these dioceses, and they proposed a new distribution of the revenues of the Church, with a view to the more equal distribution of that part appointed to the episcopal order. They proposed the establishment of two new dioceses in the north of England, to be composed of parts taken from other dioceses: thus carrying into execution the object which every person reflecting on the subject must have wished to be fully carried—that is, of extending the influence and power of the Church of England in those great populous districts which have grown up in this country for the last century and a half. These desirable objects were to be attained by sacrifices there is no doubt; but my noble friend, in bringing the subject before your Lordships, appears to think that, in order to remove any inconvenience which might arise from the union of the dioceses, there would be nothing more easy than to create a Bishop of Manchester, or a Bishop of Ripon, and introduce him to the House of Lords. He appears to think that nothing would be more easy

than such a proceeding, but I am afraid that he forgets in his zeal what experience must have taught him—namely, that the introduction of a 27th or 28th Bishop into the House of Lords is not so easy as he appears to imagine. Public opinion must be consulted with reference to such subjects; and my noble friend ought to recollect that, however attached he and his friends in North Wales may be to the Established Church, and however affectionately attached a vast portion of the population of this country may be to the Church, yet it has some enemies in this country, that it is looked upon with jealousy by some, and that it is not all who walk the streets in these large towns who would approve of the admission of new Bishops to the House of Lords; and if my noble friend will read the history of this country, he will find that there have been times when the presence of Bishops in the House of Lords was not very agreeable to some. It is not, I repeat, so easy to add two Bishops to the number in the House of Lords; and, therefore, when the Commissioners took into consideration the propriety of appointing Bishops to Manchester and Ripon, and when such a measure was approved of by them, they found a necessity to unite dioceses, so as to make two seats in the House of Lords, in order to make room for the Prelates who should be appointed Bishops of Manchester and Ripon. It was in consequence of this necessity that it was proposed to unite the sees of Gloucester and Bristol, and the sees of St. Asaph and Bangor. I have been in this country, my Lords, ever since the union of the dioceses of Gloucester and Bristol, and I must say that I have not yet heard of any evils resulting from that measure. Yet these sees were both important; and since they have become united the affairs of the Church have been carried on in that united diocese with equal satisfaction as elsewhere. The greatest possible advantages have resulted from following the recommendations of the Commissioners, and I am satisfied that the same advantages would result from carrying into execution immediately, if possible, the recommendation of the Commissioners with respect to a Bishop for Manchester, and it is desirable that it be carried into execution as soon as possible. But my noble friend says that the greatest possible inconvenience would arise from this union of the sees of St. Asaph and Bangor. Now, my Lords, I do not mean to say that inconvenience may not result from this union, for on that subject my noble friend is better capable of judging

than I am; but it is not exactly the fact to say that the Bishops of these dioceses were not consulted when the proposition was under the consideration of the Commissioners, for at that period both the Bishop of St. Asaph and the Bishop of Bangor were called upon to assist the Commissioners. They did not attend on that occasion, and they made a proposition with respect to impropriate tithes in the dioceses. I beg leave also to say, that, when this subject was discussed in the presence of the Right Reverend Prelates (and there are not two more respectable Prelates on the Bench), it was not objected to on account of any inconvenience resulting from the union, but it was objected to in reference to certain impropriate tithes. So far as the argument of the inconvenience of the union of the sees is concerned, I admit that there may be some inconvenience; but there is no greater inconvenience now, nor is there likely to be any greater hereafter, than when the measure was proposed and when the objections were made on a different ground. I do, therefore, submit, my Lords, that if the measure was admissible at a former period—in the 6 & 7 Will. IV.—it is admissible at the present moment. If there should be any inconvenience it cannot be of that magnitude which should induce your Lordships to take the first step in a course which would be looked upon as a symptom of your intention to depart from this great measure. I feel it my duty, as a Minister of the Crown, to ask, therefore, your Lordships to pause and consider well before you adopt such a Bill, under these circumstances, as that which has been proposed by the noble Earl. I wish, my Lords, that your Lordships would declare on this ground your sense of the motion, and show to the country that it is not your intention to depart from any portion of the measure, of which this Bill proposes to repeal a part; but that, on the contrary, it is the intention of the House of Lords that the whole of it shall be carried into execution as early as circumstances will permit. This is not a measure, my Lords, in which the credit only of individuals is involved; but it is a measure in which the credit of the Church and the honor of Parliament are involved, and, therefore, I entreat your Lordships not to listen to the affecting speech of my noble friend, when such great interests as those I have alluded to are at stake. I have already stated that it will be impossible to carry into execution a measure to appoint a Bishop of Manchester. If your Lordships pass this Bill, I beg to remind your Lordships

that there are other dioceses in Wales that require assistance. There are the dioceses of Llandaff and St. David's, and they will get assistance to the amount that will be saved by the arrangements that will be carried into effect.

My noble friend referred to a measure passed last Session, with reference to the Archdeaconry of Anglesey; but the words of the Act which he quoted were not inconsistent with the words of the 6th and 7th Will. IV. My noble friend adverted to carrying to the account of the general fund the income arising from the revenues of sinecure rectories, and he complains of the dioceses being thus deprived of some advantages in respect to the ministration of the duties of religion. What, my Lords, duties from sinecure rectories? The very word precludes the idea of the performance of duties. No! the revenues were taken away because there was no duty performed; and they will be taken into account with respect to the performance in any arrangement that may be made hereafter. I have stated this much, my Lords, in consequence of the observation of my noble friend that the duties of the diocese would receive injury from that application of the revenues. With respect to the other points of my noble friend's speech, having reference to matters of detail, I can only say that I was not a member of the Commission, and that, therefore, it is not in my power to enter into a lengthened statement with respect to those details; but this I must say, that there can have been no object in the measure (a portion of which this Bill proposes to repeal) but to make all the arrangements in it most convenient to the country generally. There would have been no desire to injure the dioceses of St. Asaph and Bangor, or any other district in the kingdom; but the object was to make a better distribution of the revenues of the Church, and to satisfy the public of a sincere desire to effect such a reformation as would be a real one, and such as would give satisfaction not only to those who are attached to the Church, to my noble friend and myself, but also to those who look on with indifference. Now, I have shown to your Lordships, as far as I am able, the object of the measure. I have shown the advantages of its being carried into effect, so far as it has gone; and I have endeavored to show your Lordships the advantages which would result from carrying it completely into execution. I have shown how important it is that the public should not entertain the notion that it is the intention of the House of Lords to give way on any

part of this subject, and I entreat your Lordships not to consent to the Bill proposed by my noble friend. With regard to the Act for the union of the diocese of Sodor and Man with Carlisle, and their separation afterwards, which was brought forward by my noble friend as a precedent, I was in the House when the Bill which has been alluded to as a precedent passed, and I recollect that both my noble friend who moved the Bill, and the Most Reverend Prelate who sits on the bench above me, and the noble Viscount who used to sit in this place (Viscount Melbourne)—and whose absence in consequence of illness no man regrets more than I—all three remonstrated against it, and objected to its being used at a future period as a precedent. That Bill, my Lords, cannot be considered as a precedent for this Bill; that union of Sodor and Man with Carlisle was connected with nothing else; and I recollect that my noble friend who moved the measure stated that inconvenience would arise from the necessity of the Bishop being required to reside in the Isle of Man, whilst his other duties would require his attendance at Carlisle, and also his attendance in the House of Lords occasionally. That Bill, therefore, had no more resemblance to this measure than any Bill which my noble friend could mention; and, under all the circumstances which I have stated to your Lordships, I feel it my duty to move that the Bill be read a second time this day six months.

Bill withdrawn.

May 30, 1843.

DISMISSAL OF LORD FFRENCH.

The Marquis of CLANRICARDE brought forward the subject of the dismissal of Lord Ffrench from the commission of the peace.

THE DUKE OF WELLINGTON said:

I am sure your Lordships will recollect the state of anxiety which prevailed in this country as well as in Ireland, the scene of the present agitation, at the period when questions were put to the Government in both Houses of Parliament on the subject of the measures adopted by certain persons in Ireland to create agitation with respect to the Repeal of the Union:—a repeal to be brought about not by the deliberations and decisions of this and the other House of Parliament—not by a law to be passed by the Legislature—but by agitation, and eventually by force and violence.

It is impossible to describe the anxiety felt throughout the public by this state of things, and the answers given in both Houses of Parliament to the questions I have referred to are to the effect that the Government have paid, and are paying, the utmost attention to the subject, and that measures have been adopted on both sides of the water to enable the Lord-Lieutenant and Government of Ireland to preserve the peace of the country; and that Her Majesty's servants are determined to adopt all measures necessary to preserve inviolate the legislative union of the two countries. The individual who now addresses your Lordships had not then had an opportunity of taking Her Majesty's pleasure on the subject, and went no further than I have just stated; but my right honorable friend who addressed the other House of Parliament on the subject stated that it was Her Majesty's intention to act precisely on the declaration of her royal predecessor, and to maintain inviolate the legislative union of the two countries. The declarations made in Parliament are matters of public notoriety, and give the utmost satisfaction not only in this country, but also in Ireland; for though there are thousands who attend these meetings in Ireland for the purpose of agitating for the Repeal of the Union, yet it must not be supposed that there are not also thousands – that there are not an equal number, or, as I believe, a majority—who are of a different opinion in that country. Though the measures which the noble Marquis opposite has alluded to are not adopted in Ireland (and it is unnecessary for me to enter upon this subject, as the noble Marquis does not impute any blame to the Government for not having adopted them), yet the anxiety of that part of the population in Ireland who are opposed to repeal is greatly relieved by the declarations of Her Majesty's Ministers in Ireland, which are matters of notoriety in this country and in Ireland. These meetings still continuing, notwithstanding the declarations I have adverted to, and continuing under the presiding influence of magistrates in Her Majesty's commission of the peace, the Lord Chancellor of Ireland has been instructed to adopt every constitutional means in his power in order to maintain inviolate the legislative union between the two countries. When the Lord Chancellor had the satisfaction of learning the declarations of Her Majesty's confidential servants in Parliament, he thought it still further necessary to maintain inviolate the legislative union. The Lord Chancellor found then, notwithstanding these declarations,

which were so notorious, and had given such general satisfaction, that magistrates continued to preside at these repeal meetings, and to call them together; and these magistrates were no drivellers, but must have known (what was notorious to the public) that which passed in both Houses of Parliament. They must have known that Her Majesty's confidential servants had declared it to be the determination of the Government to maintain inviolate the legislative union, and yet they persevered in holding these meetings, which, in addition to other circumstances proving their illegality, had a tendency to lead to outrage in every case, and had in fact led to outrage in one remarkable instance at Clones. As the people of the country were divided in opinion on this question, these meetings were calculated to lead to outrage in every case; and if lives were lost, those would be liable to the consequences who had called the meetings together which had occasioned such a misfortune. Under these circumstances, it became the duty of the Lord Chancellor to give a check to these meetings, by letting magistrates know, who called together and presided at meetings calculated to lead to outrage and disorder, that they were not fit to be trusted with the preservation of the public peace, the more particularly after the notoriety of the declaration that it was the determination of the Crown to maintain inviolate the legislative union. It was the Lord Chancellor's duty, then, to take measures to prove to the magistrates that they could not remain in the commission of the peace if they presided at or promoted such meetings. Under these circumstances, I conceive that the Lord Chancellor was perfectly justified in the course he took; and if the noble Marquis calls for the papers, which I understand are to be introduced in another place, I shall have no objection to lay them on the Table of the House; but I cannot allow the imputation thrown out against the Lord Chancellor of Ireland to remain unanswered.

Motion agreed to.

June 9, 1843.

DISMISSAL OF MAGISTRATES, IRELAND.

The Marquis of CLANRICARDE brought forward the subject of the dismissal of certain magistrates in Ireland from the commission of the peace and the Deputy-Lieutenancy.

THE DUKE OF WELLINGTON said:

My Lords, I am very much obliged to the noble Marquis for explaining the object of this question; I certainly was not aware of the letters to which the noble Lord referred; but he has been so kind as to state to me in writing that he intended to inquire on what principle these magistrates and deputy-lieutenants have been dismissed from their offices, and to that question I am prepared to give an answer. These gentlemen having been some of the persons to instigate and encourage the assembly of those large meetings in Ireland, on which the first law authority had pronounced in writing that they had 'a tendency to outrage,' and 'that they were not in the spirit of the constitution, and may become dangerous to the State,' the Lord-Lieutenant and Government could not feel any confidence in the performance of their duties by these magistrates and deputy-lieutenants, who had thus excited these meetings, or who presided at them, or even attended them. Your Lordships are perfectly aware that on one occasion it was proved that these meetings had a tendency to outrage. Indeed, outrage was actually committed. I told your Lordships on a former occasion that there was a great difference of opinion in Ireland on the subject of the repeal of the union. Now, suppose that two assemblies representing such antagonistic opinions assemble on the same occasion, and in the same neighbourhood, why, it is obvious that outrage and bloodshed may occur; and it must likewise be obvious that those magistrates and deputy-lieutenants are not officers on whom the Lord-Lieutenant can rely for carrying into execution measures for the repression and suppression of outrage which he may think proper to take on such an occasion. My Lords, I have besides to observe to your Lordships, that for a very considerable period of time it has been a matter of notoriety in Ireland that the members of Her Majesty's Council, Her Majesty's servants in this and the other House of Parliament, had declared it to be the positive and fixed determination of the Government to maintain inviolate the legislative union between the two countries. Some of the most distinguished Members of both Houses of Parliament declared in their places that they had the same intention; and this declaration of opinion has been communicated to the public more than once, and in no one instance, as I believe, has there been an intention avowed by them to promote the object of this repeal of the union. Well, then, what must be inferred from the

notoriety of that fact? What, but that a repeal of the union, as far as a vote of Parliament is concerned, is hopeless? It is to be carried then by intimidation, by force and violence; and, of course, as the Government, whose duty it is to resist and repress such acts of intimidation, force, and violence, whenever they should be attempted, by all the means at their disposal, cannot use such instruments as those who excite the people to appear at their head, the Lord-Lieutenant and Lord Chancellor have taken measures to remove them from the commission of the peace and deputy-lieutenancies of their several counties. This is the principle, my Lords, on which I conceive that the Government has acted. Indeed, there can be no doubt of it. The letters from the learned judge at the head of the Court of Chancery in Ireland state that there is no desire on the part of the Government to prevent any gentleman from entertaining any opinions he may think proper to adopt upon the subject of the repeal of an Act of Parliament. No one can desire to do any such thing; but what we say is, that we must endeavor to preserve the peace of the country notwithstanding these large meetings—meetings having a tendency to outrage and violence;—and, in doing so, we must make use of instruments such as there are in Ireland, and we cannot make use of the services of those who incite the people to assemble at such meetings, and who preside at them.

Motion agreed to.

June 13, 1843.

MARRIAGE OF THE PRINCESS AUGUSTA OF CAMBRIDGE.

THE DUKE OF WELLINGTON said:

My Lords, I rise, agreeably to the notice which I gave to your Lordships a few nights since, for the purpose of submitting a proposition in answer to Her Majesty's most gracious communication just read. It is impossible that your Lordships, or the whole of the country, should not feel a lively and deep interest in the subject which Her Most Gracious Majesty has submitted to your consideration. It is impossible, when we call to mind the excellent qualities of her Royal Highness—her affability—to doubt that she has made a most favourable impression upon the minds of your

Lordships. It is impossible that your Lordships cannot but take a great interest in the happiness and welfare of the illustrious Princess about to be allied to his Royal Highness Frederick, Hereditary Grand-duke of Mecklenburgh Strelitz. I rejoice in the auspicious marriage which is about to take place with a Prince for whose qualities every individual who ever had the honor of knowing him must have the greatest respect, on account of the affability and kindness which he invariably manifested to all who approached his Royal Highness. I beg, my Lords, to move, in answer to Her Most Gracious Majesty's message, an address, to thank Her Majesty for the most gracious communication which it has pleased Her Majesty to make to this House, relating to the intended marriage between her Royal Highness the Princess Augusta Caroline, eldest daughter of his Royal Highness the Duke of Cambridge, and his Royal Highness Prince Frederick, Hereditary Grand-duke of Mecklenburgh Strelitz; that this House feels the most lively interest in any event which can contribute to the happiness of the Royal Family, and will concur in the measures which may be proposed for the consideration of the House, to make a suitable provision for her Royal Highness on this occasion.

THE DUKE OF SUSSEX.

In reply to Earl FORTESCUE,

THE DUKE OF WELLINGTON said:

My Lords, the motion which I had the honor to submit to your Lordships, affords your Lordships an opportunity of discussing any questions connected with the subject of a provision for the Royal Family. I very much regret that the noble Lord did not give notice of his intention to discuss the question which the noble Lord has brought under the consideration of your Lordships' House. If the noble Lord had given that notice, it would have enabled those connected with Her Majesty's Government to have spoken with some authority on the subject. The noble Lord has only done justice to myself, and to my right honorable friend in the House of Commons, in stating that we spoke of the late illustrious Duke (of Sussex) with the utmost respect, and that both of us entertained the sincerest admiration of the qualities, the acquirements,

and the life of his late Royal Highness. For my part, I always felt the greatest respect for him; I always experienced the utmost affability and kindness from him; I respect his virtues, and I felt how much he was esteemed by the people. My Lords, I had no knowledge whatever, nor, indeed, could I acquire any knowledge, respecting his different marriages, or the circumstances to which the noble Earl has adverted. Of course, therefore, I can in no way be prepared to state anything upon those subjects; and your Lordships will, I am sure, excuse me for not further adverting to them than to repeat my respect for his Royal Highness's memory, and to lament that any friends of his should be left in any state of difficulty. It is obvious that the marriage referred to, though a marriage in a moral point of view, in a legal and political view could be no marriage of a member of the royal family, and cannot be considered as such in discussing a question of this kind either in this House, or in another place, where, if the matter were discussed at all, it must of course be brought under more distinct consideration.

Address agreed to.

June 15, 1843.

ARCHDEACONRY OF ARMAGH.

Lord MONTEAGLE moved for a certain document connected with the Archdeaconry of Armagh.

THE DUKE OF WELLINGTON said:

In a few observations which I shall address to your Lordships, I will advert, in the first place, to the observations made in the latter part of the noble Lord's speech. It is perfectly true that I have no knowledge, and I believe the Government here has no knowledge, of any arrangement of this kind having been made; and I can also state that, when the commission was originally issued, it was the decided intention of those who suggested it to carry its recommendations into execution. The noble Lord seems to think that there is something suspicious in this case. Nothing of the kind. The individual who has been appointed Archdeacon of Armagh is known to the public and the Church only by his merits as a parochial clergyman, and for his standing in the Uni-

versity of Dublin. But he is known on no other ground whatever. He is connected with no influential family in Ireland. He was rector of Trimscorthy, in the county of Wexford, when this vacancy occurred, and, it being considered important that a man of merit should fill it, this individual was selected, for no reason whatever except on the score of his qualifications. The noble Lord seems to think that an Archdeaconry in Ireland is not so important an office as in this country. I have reason to believe that the Archdeacon is a most important officer in the administration of the duties of this particular diocese of Armagh. We have had some discussions lately on the subject of the Church of this country, and have seen the importance attached to the duties of Archdeacon. I cannot admit, therefore, that it is unnecessary that there should be in this important diocese a clergyman to fill this office who is distinguished for his conduct and learning. I will tell your Lordships what the difference is between the present case and that of the deanery of Down. The Dean of Down was appointed a very short time after the reception of the Report of the Irish Ecclesiastical Commissioners. He was not a clergyman taken from a parish in another part of the country, solely on account of his merits as a clergyman. He was the son—I do not mean to say anything against him in any way whatever—but he was the son of the Lord Chancellor of Ireland, a person, by-the-by, who it cannot be expected was ignorant of the Report of the Commission; but, on the day when it was made, the honorable and reverend gentleman was appointed to the deanery of Down, and no arrangements were made for the severance of the united parishes in the deanery. The case of Down is a mere political arrangement; the other relates to a highly respectable, but an obscure man—I mean obscure in point of family and connexion. Two such appointments cannot be put upon the same footing. The noble Lord opposite has adverted with approbation to the conduct of the reverend head of the Irish Church, and has stated that, if a vacancy occ[illegible] by death, that reverend person would have appointed a fitting individual to supply the vacancy, and would have urged the severance of the parishes, and that, if he has to make arrangements for filling the archdeaconry in his diocese, he will make such arrangements as will be most for the interest of the Church, and therefore most for his own honor. The Lord Primate has represented the expediency of making a severance of

the union; but, after the choice was made of the person to fill the situation, considering what the condition of the benefice was at the time, the most reverend Prelate consented to its being held as a united benefice, instead of being severed. I shall be obliged to trouble your Lordships with some of the details relating to the circumstances of the case, as it is a curious one; and I cannot, without entering into such detail, explain how the question stands. The noble Lord talks of this benefice as it stood at the period at which the Report was made by the Irish Ecclesiastical Commissioners. It was then stated to be worth, united, upwards of 1774*l.* Since then, however, a different arrangement has been adopted, which has reduced the amount very considerably. Indeed, the total amount of the revenue of the benefice at present does not amount to more than one-half of the original sum. The original amount was 1774*l.* Since it was payable, a portion of it resulting from tithes has been reduced, leaving the amount 1547*l.* It was again reduced to 1145*l.*; and next came another deduction under the Church Temporalities Act, by which the total amount was cut down to 981*l.* 7*s.* That is the present amount of the revenue of the benefice. The Lord-Lieutenant is required to appoint a person to perform the duties of the Archdeaconry of Armagh. He has to deal with these united parishes with an income of 981*l.*, and the question is, whether it is most advisable to appoint two clergymen, with incomes of 450*l.* each, to the two parishes forming the benefice; or whether it is most advisable to give the person who holds the office an income of 981*l.* for the performance of duties which the Commission states should be recompensed by an annual sum of 1000*l.* The noble Lord stated that there is one curate appointed to the parishes, with a salary of 100*l.* per annum for the performance of clerical duties. Now, I have an account in my hand of not fewer than five curates employed in these parishes, besides the Archdeacon. Under these circumstances, can it be contended that this is a case of the same description as that of Down? To say so is quite erroneous. The noble Lord has moved for papers, to the production of which I have no objection. I have no objection to let the House see how the entire matter stands; but I desire that your Lordships will not leave the House under the impression that the Lord-Lieutenant was guilty of any dereliction of duty. He acted as he deemed best for the interests of the Church in making the arrangements he did make, and in

selecting the clergyman he did select, and who was appointed solely on account of his merits as a clergyman.

Motion agreed to.

June 26, 1843.

CHURCH OF SCOTLAND, BENEFICES.

The House having gone into Committee on this Bill,

THE DUKE OF WELLINGTON said:

I voted for a similar measure brought in some years ago by my noble friend, and did so in the desire that the Bill might settle the question then under discussion, and by which this country was then so much disturbed. The subject has since been discussed in various ways, both here and in Scotland, and a letter was written, with the entire approbation of Her Majesty's Government, by my right honorable friend the Secretary of State. Since then the Bill has been introduced by my noble friend on the part of the Government, and with the full concurrence of his colleagues. The only doubts which I felt on the occasion arose from the statements of the noble Lord opposite, and of my noble and learned friend who spoke a few nights ago, that this Bill was inconsistent with the decision of this House on the Auchterarder case. This statement made much impression on my mind, and led me to make anxious inquiries on the subject. As far as I recollect, the Auchterarder case arose after the enactment of the Veto Act by the General Assembly of the Church of Scotland; and the question then was, whether the Presbytery acted correctly in declining to put on his trial the presentee to this benefice. The decision of the Court of Session was, that this refusal was illegal. Upon this decision an appeal was made to this House, and your Lordships confirmed the decision of the Court of Session. Upon what ground was the refusal made to collate the presentee to the benefice? Because an objection was made to his appointment by the majority of the communicants. Is it stated in this Bill that such an objection should henceforth be legal? There is not one word in the Bill about the power of the majority of the communicants, nor anything except as to what goes to put the presentee on his trial. All my scruples on the subject of this Bill have therefore been done away with by a careful consideration of what is the real nature of

the Auchterarder case. The noble and learned Lord states that great and irresponsible power is placed by this Bill in the hands of the Presbytery; but a great power is also placed in the hands of the bishops in England. There is this great distinction which requires to be kept in view,—the moment a man is put on his trial in Scotland, the consequence of this decision is not only the presentation to the benefice, but the ordination of the pastor. It is reasonable therefore that the Presbytery should have the power of deciding on such a question. This Bill goes further, however, and says that a reason should be stated for the refusal of the Presbytery, and the reason so stated will have to go before the superior courts, as well as before the public, which cannot but act as a great check upon the Presbytery, to whom, therefore, it certainly cannot be said that the Bill gives an irresponsible power. On all these grounds I have come to the conviction that the Bill now before the House does not touch the Auchterarder case, and I cannot therefore take the same view of it as is taken by the noble and learned Lord, nor by my noble and learned friend, not now in his place, but whose judgment on that case has done him so much credit.

July 14, 1843.

DISMISSAL OF MAGISTRATES, IRELAND.

The Marquis of CLANRICARDE drew their Lordships' attention to the recent dismissal by the Government of Lord Ffrench and other magistrates in Ireland.

THE DUKE OF WELLINGTON said:

My Lords, the motion of the noble Lord is directed against the officer who holds the Great Seal in Ireland. I beg your Lordships to review in your minds the speech by which the noble Lord introduced that motion, the topics on which he dwelt, and the charges which he made against Her Majesty's servants, and I think your Lordships will feel that it is a motion directed positively against Her Majesty's Government. He says, what is very true, that they are responsible for the acts of the Irish Government. They are responsible for the acts of the Irish Government;

and, my Lords, I hope, before I sit down, to convince your Lordships that those acts were forced upon the Government, and that they would not have done their duty if they had not carried them into execution. The noble Lord has stated that this repeal agitation commenced some time in the course of the last year. Begging the noble Lord's pardon, I must remind him that the agitation commenced some few months antecedent to the last year; and that, if he will refer to some of his noble friends near him, he will find that they had heard of that agitation, nay, that the Lord-Lieutenant had at that time very properly denounced that agitation, previous to the period at which we assumed the Government. I shall be very glad if the noble Lord, bearing in mind that fact, which I do not believe he will deny, will show how he makes out his charge against Her Majesty's present servants, that to them must be attributed this repeal agitation. Why, my Lords, if this repeal agitation commenced long previously to the period at which we were in office, at least it must be inferred that no official act or omission on our part could have caused this agitation. But, my Lords, the agitation had existed for a considerable time. It had grown; meetings had become frequent; those large assemblages of men had become larger; the anxiety which they created throughout the country had become more intense; the language held at them had become more violent; and at last the attention of Parliament was drawn to them, as stated by the noble Marquis, by a question put to Her Majesty's servants in this House by one noble Lord, and by a noble Lord also in the other House. But, my Lords, before I proceed to discuss what passed on that occasion, I must remind your Lordships of what is very important in discussing this question—the proceedings which took place in Parliament and in the country, upon the subject of this question of the Repeal of the Union, as far back as 1831 and 1834. The noble Lord stated correctly that at the latter period a motion was made for the Repeal of the Union, and upon that occasion noble Lords, high in office in the Administration, some of whom I have the pleasure of now seeing in this House, and others of whom are high in influence, and, though not in office, have taken a great lead in the other House of Parliament—all, in the strongest manner, pressed their opinions against the repeal of the Legislative Union, which they declared to be neither more nor less than a severance of the connexion between the two countries, or as lead-

ing, unquestionably, to that severance. It was declared by some of them, positively, that Repeal could not do otherwise than lead to a severance between the two countries—a statement in which, I confess, I entirely agree. Some of them even went so far as to say that it would be better at once to declare the severance than to begin by the Repeal of the Legislative Union, so certain was it that the Repeal of the Union must be followed by the severance, and possibly by a war, which would terminate only by the reduction of one of the two countries and the enfeeblement of the other. This was the opinion of some noble Lords; and on the occasion to which I referred, when the question asked by a noble Lord in this House, and by another noble Lord in the other House, drew from me in this House, and from my right honorable friend in the other House, answers stating the positive intention of the Government to maintain the Legislative Union, I must do the noble Marquis opposite, and a noble Lord near him, as well as honorable members in the other House of Parliament, the justice to say that they did not evade the positive expression of their opinions, and their concurrence in the determination to maintain the Legislative Union. That declaration, and the reference then made to what passed in 1834, as well as the concurrence—I may almost say unanimous—of this and the other House of Parliament, had become matter of notoriety, not only in this country, but throughout Ireland. The noble Lord has adverted to the use of Her Majesty's name in these discussions. All that was done on that occasion was to state that the advice of her servants to Her Majesty was to concur with the sentiments delivered by her predecessor on the Throne, and subsequently in his answer to the Address delivered by both Houses of Parliament. Thus, then, my Lords, I say, that after what passed in both Houses of Parliament on that occasion, it became matter of notoriety that the opinion of Parliament was, that the Legislative Union should not be repealed, and that every effort should be made on the part of the Government to resist the attempts to occasion that repeal. Then, my Lords, under these circumstances the Lord Chancellor finds Lord Ffrench and other magistrates calling these meetings to repeal the Union, and assisting at the meetings, and presiding at them, and urging all the proceedings. At this time the opinion of Parliament was notorious; yet meetings consisting of 10,000, 20,000, 100,000—no matter as to the number of thousands—con-

tinued. Was it with a view to address Parliament to repeal the Union? No, my Lords; they were continued to obtain the desired repeal by terror, if not by force and violence. And the persons calling these meetings, I beg your Lordships to observe, were the magistrates, the very men who must have been employed by Government to take measures to resist this violence, to prevent breaches of the peace, to arrest those who should be guilty of such breaches, and to bring them to justice: and then the noble Lord says, that the Government were not to dismiss these magistrates from their situations, and that they were not to draw a distinction as to the time when it became notorious to the whole world what were the views entertained by Parliament and the Government on this important question! My Lords, in this and the other House of Parliament no one would have an idea of repealing the Union except in regular course, like another Act of Parliament; but with these meetings of 50,000 or 60,000 men, was there any question of discussion? No, my Lords, the question was terror, force, and violence. That was the ground on which the Lord Chancellor told these magistrates, after the views of Government had become notorious, You must be dismissed if you attend, or excite to attend, such meetings. Now, my Lords, I say that, it being the duty of the British Government, having its attention awakened to those meetings, to prevent, if possible, breaches of the peace, to resist them, and to give protection to persons and property, it would be impossible for them to undertake to perform those duties, leaving magistrates in their situations who should have rendered themselves conspicuous either by calling together those meetings, or by presiding over them, or by addressing or attending them. Each case for decision by the Lord Chancellor must have depended on the peculiar circumstances attending it. My Lords, the noble Lord has stated that these meetings are not illegal. I certainly do not consider myself competent to decide whether they were or were not illegal. This I know, that they consist of very large numbers, whether of 10,000 or 100,000 I am sure I cannot tell, and I do not believe any man can tell to a certainty. They are assembled in very large numbers, regularly organised, marching under the lead of persons on horseback, with bands and banners, in regular military array. After having attended these meetings, those persons present are dispersed by word of command, without trouble, or violence, or breach of the

peace, and march back perhaps twenty or thirty miles. No violence is committed; yet, my Lords, to those who had to contemplate these meetings, to consider what might be their consequences, to consider the power exhibited in calling them together, and the discipline observed in carrying the whole plan into execution, as well as the power of those who exercised that discipline, I say it became the duty of the Government to take precautions, to consider of the situation of the country, to observe what passed at the different meetings, to read the speeches delivered, to get an account of the threats held out, such as 'Repeal or blood,' with inscriptions of that kind upon the flags, and to be prepared for the worst that might happen. My Lords, I have had some experience, in the course of a long life which I have passed in the service of the sovereigns of this country, of such revolutions. A distinguished writer has written regarding the French revolution, '*on conspire sur la place.*' There is no secret in these transactions; and the reason why there is no secret is this, that the great means of operation are deception of their followers, and terror in respect to their adversaries. Accordingly we hear a learned gentleman exclaiming to his audience, 'Napoleon had not in Russia such an army as this is; the Duke of Wellington had not such a one at Waterloo.' Very possibly not, my Lords. Bear in mind, too, what he said in respect to the augmentation of his numbers, and the means of assembling those persons. He said, upon one occasion, that by the post of one night he could collect the whole of this force in any part of the country; and it is perfectly true—I have not a doubt of the fact. What is the consequence? Why, my Lords, I say that I believe that it is the duty of the Government to be prepared, as I hope the Government has become prepared, in all parts of the country, to protect the persons of the inhabitants, to protect property as far as possible, and to do everything in their power to maintain the dominion of Her Majesty and this country in Ireland. The noble Lord said that the different events which might ensue were in the hands of one individual. My Lords, this is not the doing of the Government, this Government has nothing to say to it; but all that is in the power of the Government, all that they can do in order to be prepared to resist the consequences of this state of things, all that wisdom and foresight can suggest to protect the property of individuals, the House has a right to look for, to expect that

Government will be prepared for the worst that can happen. My Lords, I am as much concerned that this state of affairs should exist as the noble Lord can be; but of this I am quite certain, that the way to be prepared is not to have in the service of Government—not to have Government dependent on the exertions of—a number of magistrates who have excited and encouraged these proceedings, who have assisted at and presided over these very meetings. This certainly cannot be expedient; and I say that the Lord Chancellor and the Lord-Lieutenant would not have done their duty if they had not removed those persons from Her Majesty's service. The noble Lord complains that, in consequence of these magistrates having been removed, a great sympathy for them has been excited throughout the empire—why, my Lords, I do not know. I cannot say whether more thousands or less have assembled since these magistrates have been removed; but this I know, that I feel more security if I am convinced that I shall not have to employ a man to assist in putting down these mischiefs who may himself have been instrumental in causing them. My Lords, I come now to advert to the charge of the noble Lord, that the Government has not been attentive to the wants and interests of Ireland. I will remind your Lordships of a speech which I am sure you have read with the greatest satisfaction and even thankfulness—I mean that of the noble Lord sitting at the table, delivered in the year 1834, in the other House of Parliament, on the subject of the advantages derived by Ireland from the Union up to that period. My Lords, that unanswered, that unanswerable, speech will show your Lordships how much the people of Ireland have gained by the Union between Ireland and this country. From that time to the year 1841 the noble Lords sitting near the noble Marquis will not agree that the interests of Ireland have been neglected. I am sure I am not conscious of their ever having been neglected at any time. Since I have had the honor of having a seat in Her Majesty's councils I am sure that they have not been neglected, and that everything has been done which could be done in order to promote those interests. At this moment, and throughout this Session, there has been under consideration of Parliament a measure for altering a law which has given dissatisfaction to Ireland—I mean the Poor-Law—and for relieving principally the lower classes from the payment of rates, which only awaits the pleasure of the House of Commons

for its discussion, in order to be laid before your Lordships. So, if any other measure has been proposed, it has been invariably attended to with a view to carry into execution every plan that seemed likely to be beneficial to Ireland. It has been agreed on all hands that such must be the course with respect to Ireland; that everything must be done that can be done to conciliate the affections of the people of that country, and which can tend to ensure their contentment. With respect to the particular measure to which the noble Lord referred, namely, the Bill for correcting the registries, it has been explained in another place that it has not been possible to bring forward that measure up to the present moment, because it is necessary to connect with it other measures for extending the franchise, in consequence of the diminution of the number of voters which would otherwise result from it. This, and nothing else, I can assure the noble Lord, has been the cause of the delay. In respect to other measures, everything, your Lordships may depend upon it, will be done as occasion may offer. But, my Lords, I must say that, grieved as I am that there should be so much truth in the representations made by the noble Lord of the existing state of the country, and of its prospects, threatened as these are by the continuance of agitation, I must say that no measure which could be proposed, no new measure which could be adopted, would have the smallest effect in removing any of these evils or inconveniences. My Lords, the only mode, the only course to be adopted on the part of the Government, is to oppose a strong resistance to everything like a breach of the peace or public order, and to be prepared, as I hope they are prepared, to enforce measures for preserving quiet and protecting property in Ireland. My Lords, I know of no remedy but that for the state of affairs which exists at present, particularly as it appears that whether the peace of the country shall be disturbed or not depends on the will of one man, and on his influence over the wills and actions of so many thousands who possess influence in the various parishes of the country. That is the real state of affairs. The noble Lord has referred to the extreme poverty of the country, and to the absence of all measures on the part of the Government to relieve that poverty. My Lords, it is certainly true that there are in Ireland a vast number of poor. I have been sorry to see that it is stated, in some returns on the table, that there are as many as 2,000,000 of poor in Ireland. My Lords, it happens,

unfortunately, that in all parts of the empire there are poor; but I will beg to observe that it is not in the power of this Government, nor of any Government, nor of any Parliament, in the course of a few weeks, or a few months, or, I may say, a few years, to relieve the poverty of a great country like that, extending, as it does, to such a large portion of the population. But, my Lords, I beg to know whether poverty can be relieved by that description of agitation for the repeal of the Union? Is poverty relieved by marches of twenty-five and thirty Irish miles a-day, during the period of spring and summer, to hear seditious speeches? Is poverty relieved by subscriptions of thousands of pounds to the Repeal rent, and the O'Connell rent, and other funds of that description? No, my Lords; that poverty must be relieved by a perseverance in industry and sobriety, not taken up by fits and starts, for the sake of a more orderly appearance at seditious meetings, where the people are marshalled by bands of music and flying colors. The evils whence that poverty proceeds are not to be cured in a day. The remedies must be some time in operation; and all I can say is, that the Government are sincerely desirous to avail themselves of every opportunity that may tend to benefit the people of Ireland, and to relieve that poverty of which the noble Lord so eloquently complains. The noble Lord adverted to the state the country was in at the period at which Her Majesty's present servants came into office, and compared it with the state in which the country is at the present moment. I have already adverted to that part of the noble Lord's speech, and will now only remind your Lordships again that the repeal agitation had been going on for some time, for a year at least, before Her Majesty's present Government came into office. But, although it is true that the repeal agitation which is now going on is much greater than it was three or four years ago, yet, my Lords, it happens that other descriptions of crimes have rather diminished of late than increased. I will read to your Lordships a return, which I received an hour ago, showing what the state of the country has been during this political agitation, and showing also what power is exercised by those who conduct the people at these meetings, and how the persons wielding that power can keep the people quiet at any period when it suits them so to do. In the month of June, just expired, the total number of offences in Ireland, of a serious character, was 447; in the preceding month, May, the

number was 541. In the corresponding month of last year, June, 1842, the number was 800. Now, my Lords, I will just read to you the particular crimes affecting public peace:—

	June, 1843.	May, 1843.	June, 1842.
Demanding and stealing arms - -	10	11	20
Riots - - - - - - - -	7	12	18
Threatening notices - - - -	72	0	81
Attacking houses - - - - -	16	0	61
Injury done to property - - -	36	0	115
Cattle-stealing - - - - -	45	0	166

And so on, for every description of crime of a similar character, all of which have diminished in numbers during the time when this political agitation has caused so much anxiety to the Government and to the whole nation. I have shown your Lordships that it was under these circumstances these orders were given by the Lord Chancellor; I have shown that Her Majesty's Government are responsible for the dismissal of these magistrates; I have stated the grounds on which I hold that dismissal to have been justifiable, namely, the fact that the Union of Ireland with England could not be repealed in the ordinary course of legislation; that no man of sense could expect it to be repealed otherwise than by force and violence; and that Government, determined to carry the law strictly into execution, and to give all possible protection to life and property by preparing to resist force and violence, if force and violence should be attempted, would have been unworthy of their places in Her Majesty's councils—unworthy of the confidence of honest and sensible men—if they had left in office persons to whom, in a moment of difficulty, they must have looked for assistance in the maintenance of the public peace, although these very persons had presided over meetings at which seditious speeches had been uttered. I shall conclude by earnestly urging your Lordships to meet the resolutions of the noble Marquis by a direct negative.

Motion rejected by 91 to 29.

August 8, 1843.

PARTY PROCESSIONS.—REPEAL OF THE UNION.

The Earl of RODEN presented a petition from 5000 Protestants of the county of Down, for protection, and for the repeal of the Processions Act of 1832.

THE DUKE OF WELLINGTON said:

I am sure your Lordships did not require any apology from my noble friend for detaining your Lordships on the subject of this petition; nor do your Lordships require to be informed of the possibility that the inconveniences attending the state of affairs in Ireland might eventually reach your Lordships yourselves, in order to induce you to give your most anxious attention to the subject upon which my noble friend has addressed your Lordships. My Lords, it is not for me to dispute statements made in the latter part of the speech of my noble friend. It is my opinion that he has by no means exaggerated the amount of the evils and inconveniences attending the state of affairs existing in Ireland; but, my Lords, I did not rise to declare my concurrence with my noble friend in these statements, or to deny the dangers existing in that country, but what I wish to draw your Lordships' attention to is the prayer of the petition itself; and before I do so, I am anxious to advert particularly to the statement made by my noble friend respecting the conduct of those persons in the north of Ireland who are obviously the immediate objects of the petition—their conduct throughout the whole course of these disastrous events—their conduct particularly during the last months, in which they (having been formerly accustomed to assemble and march in these now prohibited processions, and to celebrate certain days to the memories and recollections to which they are attached) have in these last days refrained from these practices and processions in obedience to the law, and with the sincerest desire to aid the views of Government in maintaining the peace of the country. My Lords, I applaud this conduct. Not only do I applaud it, but I approve of the motives for it; and I anxiously hope that they will persevere in their conduct—aiding the measures of the Government to preserve the peace of the country, and ultimately the integrity of this mighty empire. But, my Lords, I think that my noble friend and the petitioners labor under great mistakes in supposing that the Act of Parliament to which my noble friend has adverted, and which he calls upon us to bring in a Bill to repeal, refers to pro-

cessions other than those particularly described in its preamble—'processions for the purpose of celebrating and commemorating any festival, anniversary, or particular event relating to or connected with any religious or other distinctions or differences between any class of Her Majesty's subjects.' That is the nature of the processions which are prohibited under Act of Parliament; and, my Lords, it is a question of law which I don't mean to decide or give my opinion on, because it is worth nothing—it is a question of law which those must have considered whose duty it is to put the law into execution, whether those other processions to which my noble friend has adverted—those other carryings of banners and marchings with music, whatever may be the degree of criminality attaching to such acts—fall under the provision of the Act. My Lords, this is a question of law upon which neither a speech in Parliament nor a petition laid on the Table of this House can have the slightest influence: that is a question which must be decided by men in their studies in the first instance, and afterwards in a court of law upon the trial of those who may march in such processions, and cannot be decided either by speeches in Parliament or by petitions laid on the Table of this House. My Lords, the truth is, that Parliament, both this and the other branch of the Legislature, had this very question fairly submitted to it at the period when this Act was passed. It was the meetings and processions thus described in the preamble, and those meetings and processions only, to which it was intended that the penalties in this Act should apply. It was intended to apply a remedy at that moment existing, and had not interfered with other processions. Nay, my Lords, the proposition was made, both in the other House of Parliament and in this, to extend the provisions of the Act, but Parliament refused. My Lords, I beg my noble friend will recollect that, and not cast blame on the Government for not having applied the penalties of this Act to those other processions to which he has adverted, but to which he will find, if he examines the Act, its provisions are not applicable. 'Then,' says my noble friend, 'repeal the Act or extend its provisions.' That, my Lords, is undoubtedly a point which it is the duty of the Government maturely to consider and to decide; and, my Lords, I certainly feel that I am not standing here authorised to state that it is the intention of the Government to do either one or the other—to repeal the Act or to extend it to other processions adverted to by

my noble friend. I say, as I said before, that I am willing to admit the truth of my noble friend's description of the state to which these agitations, these criminal agitations I would call them, have brought the sister country—the extreme injury which they are doing to that part of the empire; and most anxiously desirous am I to see an end put to them. My Lords, I am also aware that the Government are responsible for every act they do, and for all the omissions to which the noble Earl has referred. I will not go into a detail of these circumstances, because I am not, on this occasion, able to state what the intentions of Government are on this subject. My Lords, I do not consider it desirable that they should be stated; but what I do say is this, that I, whose duty it is to superintend one of those offices on which the execution of the measures of Government depends, feel confident that everything that can be done has been done in order to enable the Government to preserve the peace of the country, and to meet all misfortunes and consequences which may result from the violence of the passions of those men who unfortunately guide the multitude in Ireland. My Lords, I do not dispute the extent of the conspiracy; I do not dispute the dangers resulting from organization in that country; I have stated it publicly on more than one occasion; I do not deny it—it is notorious, it is avowed, it is published in every paper all over the world; I do not deny the assistance received from foreigners—from foreign Governments; I have no right to say so, but from foreigners of almost all nations, for there are disturbed and disturbing spirits everywhere who are anxious to have an opportunity of injuring and deteriorating the great prosperity of this country. I do not deny all this; but still, I say, I feel confident that the measures adopted by Government are such as will enable the Government to resist all opponents, and ultimately to preserve the peace of the country. And if that should turn out to be the case, I believe it best that we should persevere in the course in which we are proceeding, and not attempt to adopt other measures until it becomes absolutely necessary to adopt them. My Lords, I have felt it my duty to say so much on this petition to which my noble friend has called your attention. I repeat it, my Lords, the noble Earl and the petitioners are mistaken as to the meaning of the Act of Parliament. I have stated the intentions of the Act at the time. I take it not from that Act alone, but from a careful examination of the records of what

passed when the law was enacted; and I do say, that either the repeal or alteration of the Act, or its extension to other meetings and processions beyond those contemplated by it, is not at this moment desirable. I am fortified in that opinion by a mature consideration of all the circumstances of the case.

Petition to lie on the Table.

August 14, 1843.

FINANCIAL STATE OF THE COUNTRY.

Lord MONTEAGLE brought forward a series of resolutions respecting the financial state of the country.

THE DUKE OF WELLINGTON said:

I am sure, my Lords, if it were necessary for the noble Lord (Lord Monteagle), who has been so long accustomed to the superintendence of the finances of this country, and who has so frequently discussed the subject in this and the other House of Parliament, to apologise for drawing your Lordships' attention to the subject, it is still more necessary to apologise for venturing to follow him after the able speech he has made to your Lordships. My Lords, I regret exceedingly that my noble friend the President of the Board of Control, who equally with the noble Lord has had the management of the finances of the country in his hands, is not able to attend here, in order that your Lordships and the public might have had the advantage of hearing from him his views and the views of the Government upon the question which the noble Lord has submitted to your consideration; and that this duty should have fallen to one who has comparatively but little information on the subject, and only such as he could obtain during the short interval between the period at which the noble Lord gave notice of his intention to bring forward this question and the present moment. My Lords, I confess that I wish the noble Lord had limited his address to the subject-matter of the resolutions which he has laid on the Table. The noble Lord has adverted likewise to Bills upon your Lordships' Table which you will have to discuss in the course of the present Session, to questions of commercial and international policy which must come under discussion, and to the financial budget of the present year,

which certainly forms no part of the resolutions upon which it was understood the noble Lord intended to address you. I admit the budget of the present year may be deemed a part of the subject; but still; considering that the noble Lord was aware that there was nobody in this House who could be prepared to state details and answer the objections he has made with reference to the budget of the present year, I think he might as well have limited his address to what is distinctly the subject of discussion, namely, the accounts of the year which elapsed on the 5th of April last. With respect to the budget of the present year, I hope it will be deemed satisfactory. What has been stated has been an estimate. I admit that the last estimate stated has proved to be fallacious, and it is possible that this estimate may be so likewise. The noble Lord is aware that Chancellors of the Exchequer are liable to such mistakes; but, as far as I can have any knowledge of it, I believe that the estimate will be found correct, and that the surplus expected will be produced on the face of the accounts. If that should not be so, it will be for the Minister of the time to come forward with a proposition to Parliament to make up the deficiency, and it will be for the Parliament of the day to decide what shall be the mode adopted of meeting that deficiency. All I can say is this, that there is certainly no plan, there can be no plan now for proposing any particular tax, and most particularly there can be no plan for proposing a tax which it was the intention of the Government, and their engagement at the time, that it should not be continued one day longer than was necessary for the public service. That was what was stated at the time, and I have never heard of any intention to continue it one day longer than it was intended, excepting it should be absolutely necessary for the public service. With respect to the other matters to which the noble Lord has adverted, the effect of the American Treaty, Customs Bill, and the exportation of machinery, these are the points on which I will not follow the noble Lord, leaving these subjects to be discussed when they come regularly before your Lordships. I now come to the question more immediately under consideration—the first resolution moved by the noble Lord. It is certainly true that the estimate taken in the course of the last Session of Parliament for the finances of the year has proved fallacious. The Customs have not produced the sum at which they were estimated, notwithstanding the receipt, under the head

of Customs, of a large sum from the duties on corn, which was not included in the estimate. But there has been a failure in certain duties which were estimated, such as the wine duty, which paid about 600,000*l.* a year, the duty on foreign spirits, to the amount of 200,000*l.*; and there have been the various reductions made with the view of relieving commerce. There has been a failure in various small articles, which have not produced the amount of revenue expected; while, upon the other hand, the loss upon some of the reduced duties has been less than was expected. On the whole, no doubt, there has been a very considerable diminution of the sum expected from the Customs. In the same manner the Excise has not produced the sum expected. The sum expected, including what was expected from the Irish spirit-duties, was 13,500,000*l.* There was the total failure of the duty on malt, to the extent of 880,000*l.*; but I do not complain that the noble Lord, who has been Chancellor of the Exchequer, and accustomed to these discussions, should not have stated that, in general, it was considered that the large amount which was the produce of the corn-duty was by way of compensation for the failure of the excise on malt. I have taken some pains to acquire correct information on this subject, and the result of my inquiries is, that the high price of corn, from the scarcity of the season, was the cause of the great receipt of duty in the Customs, while the same misfortunes of the season had affected barley, and there had, consequently, been a considerably smaller receipt in the Excise from malt. The one compensated the other, and, on the whole, the produce has been pretty nearly what might have been expected in an ordinary view of both. But there has been a very large decrease, not only in Ireland, but in England and in Scotland, in the amount of the spirit-duty—in Scotland to the amount of 400,000 gallons, in England to the extent of 200,000 gallons: this also has caused a considerable reduction in the amount of the Excise; so that, taking all these together, I think I have shown reason for a very material reduction in the amount of the revenue, not owing at all to any alteration of duty, but to the greater habits of temperance throughout the country; the consumption of spirits has decreased very materially, and this has shown itself, not only in the diminished revenue derived from foreign spirits, but also in the revenue derived from home-made spirits. The deficiency upon the estimate arises also from another

circumstance, to which the noble Lord has not adverted, namely, the credit taken in the estimate for the full amount of the property-tax, miscalculated as between April and April. It was calculated that we should have received the sum of 3,700,000*l.*, as between April and April, whereas the sum collected was only 2,400,000*l.*: the remainder has not yet been all collected. A portion was collected between April and July, but that amount was not collected up to the 5th of April, that is to say, between April and April. Here, then, is another reason for the deficiency to which the noble Lord has referred, as between our estimates of income and our actual receipts. But the expenditure, my Lords, notwithstanding one additional source of expense which the noble Lord did not advert to, has been less than the estimate by the sum of 228,000*l.* There was, however, a payment on account of the China war, which is stated in the accounts as being more than the estimate by the sum of 300,000*l.*, and likewise on account of a certain forgery of Exchequer bills, which has been a good deal discussed in the other House of Parliament, which is, my Lords, I suppose, the reason why the noble Lord did not mention it. That sum, my Lords, formed a large item in the accounts up to the 5th April, 1843. If you put all these things together you will find that, after all, the state of the accounts up to the 5th April, 1843, is not quite so bad as the noble Lord wishes to represent it. One of the noble Lord's resolutions, however, has reference to the balances. I beg him to observe that his statement, as far as regards the month of April, 1843, is not correct on the face of the papers. I speak of the balance from the month of April, 1842, to the 5th April, 1843. On the face of the account the balance in the Exchequer, up to the 5th April, 1842, was 857,291*l.*: the balance on the 5th April, 1843, was 956,599*l.*; therefore the balance in 1843 exceeds the balance in 1842. But the noble Lord has referred to another sort of balance. He has taken us back to the year 1836, when he says the balance was four millions and some odd hundred thousands. With respect to the statement of that balance I have nothing at all to say; but I would remind the noble Lord that, between the years 1836 and 1842, several years elapsed, during which there was a deficiency in the income that was necessary to cover the public expenditure. These successive years of deficient revenue were necessarily followed by the practice of applying the balances in the Exchequer—of clearing

the Exchequer of everything that might be found therein. By these means these balances became reduced in April, 1842, to the sum stated already. The balance now, my Lords, is considerably more than it was in the last year. Now, I don't say, my Lords, that it would not be desirable to have a larger balance in the Exchequer than there is, but, when we come to talk of matters of this sort, we must found our arguments and statements upon official documents, and not look to other matters that may be found elsewhere. My Lords, I have now adverted to the subject of the state of the Customs duties, to the balances in the Exchequer, and to the state of the property-tax, the subjects in the first resolution of the noble Lord, and I have likewise observed on what the noble Lord stated as to former balances in the Exchequer. I admit that they have been larger than they are now, but I confine myself simply to the papers on your Lordships' table and the resolutions, and I deny that the balance in the Exchequer has been diminished between the two periods I refer to, that is to say, between April, 1842, and April, 1843. I now come to the next resolution. The noble Lord has stated that the charge for the permanent debt has been increased during the last two years, that the amount of Exchequer bills has been reduced, and that upwards of 1,000,000*l.* of Exchequer bills then in the hands of the trustees of savings-banks have been converted into stock. I have already stated, my Lords, what is the fact as to the Exchequer bills, and I now beg leave to call your attention to the statement of the noble Lord's, contained in his resolution, that the funded debt of the country has been increased. Now, the fair way of considering the question is not merely to consider the amount of the funded debt, but also the amount of charge of the unfunded debt, because, in point of fact, this funded debt has been increased in order to take out of the market the securities of the unfunded debt. Now, the fair way of discussing this subject will be for you to consider the amount of the charges on the funded and unfunded debt previous to and subsequent to the formation of the present Administration, and at the present moment. I will refer to the facts on this subject. The amount for the interest and management of the public funded debt was, on the 15th January, 1841, 28,256,324*l.*; on the 15th January, 1842, it was 28,701,458*l.*; on the same day in 1843 it was 28,609,708*l.* Now, what was the unfunded debt at the same time? for that is the fair way to consider it. The

unfunded debt was, for the year 1840-41, 21,626,315*l.*, at an interest of 2½*d.*; for 1841-42 it was 18,293,000*l.* at 1¾*d.*; and for 1842-43 it was 18,182,000*l.* at 1½*d.* The annual interest on the first sum (21,626,315*l.*) was 740,000*l.* 2*s.* 6*d.*; for the third amount it was 414,779*l.* The charge for the funded debt at the commencement of the present year was 28,609,708*l.*; for the unfunded debt it was 414,779*l.*, making together 29,024,487*l.*, a reduction of the annual charge upon the funded and unfunded debt of 2,071,863*l.* But there is an addition to this reduction on account of the charges incurred on stock created to supply the deficiency as estimated for 1841-42, being the last budget of the late Chancellor of the Exchequer. That amount was 85,815*l.* The income for that year was 48,310,000*l.*; the estimated income was 50,777,432*l.*, leaving a deficiency between the estimated and the actual income of 2,467,432*l.*, which was made a debt at an expense of the sum I have just named, 85,815*l.* per annum, to be added to the annual interest of the funded and unfunded debt. The noble Lord, therefore, will see that it is not exactly the fact to state that there has been an augmentation of the funded debt, at least in the point of view stated in his resolution; but it is true to state that there has been an addition to the funded debt, caused by the arrangement of the present Chancellor of the Exchequer to provide for the deficiency between the estimated and the actual income of the last budget of the late Administration. The other charge in the second resolution relates to the alleged reduction in the amount of Exchequer bills, in the hands of the trustees of savings-banks. Now let us look to the history of this. It appears, in the first place, that there was a practice of making advances on Exchequer bills for public works, and that certain of those Exchequer bills, which had been issued for that purpose, had come into the hands of the trustees of savings-banks, and no provision had been made for their being paid off. But it was deemed expedient to make provision for the paying off of these bills, and Parliament passed an Act. It was not done merely on the authority of my right honorable friend the Chancellor of the Exchequer, but an Act was passed for the purpose, requiring, first, that advances for public works should be made, as they ought to be made, in cash, and not in Exchequer bills; and further directing that provision be made for the payment of these Exchequer bills, to which I have just referred, for which no previous provision had been made; and this is what the

noble Lord has compared with what passed before, talking of the two transactions as being of a similar description, whereas the difference is just the difference between a course taken by a Government on its own authority, and a course taken by a Government under the sanction and direction of an Act of Parliament. The debt was incurred to pay off those Exchequer bills; but how can the noble Lord seek to make out that the value of those bills comes into the account? I think, my Lords, that I have now shown you that the first two resolutions of the noble Lord are not borne out by the papers or by the facts. I hope your Lordships will concur with me in giving a negative to these resolutions. I do not consider it necessary to follow the noble Lord further than I have done through his statement with respect to the budget of this year. We were, of course, liable to error in that budget, just as our predecessors are proved to have been with respect to former budgets. I concur, however, entirely with the noble Lord in feeling the utmost confidence in the resources of the country. I think I have shown you that some of the causes which occasioned the deficiency of this year may not exist in the coming year; and I hope, my Lords, that we shall have the means of fulfilling all the engagements the public have entered into.

Resolutions negatived.

August 21, 1843.

DISMISSAL OF THE EARL OF LUCAN.

Lord WHARNCLIFFE having introduced the subject of the dismissal of the Earl of Lucan,

After some conversation,

THE DUKE OF WELLINGTON said:

Since the last occasion on which this matter was discussed in your Lordships' House, I have perused the papers which were printed; and I will now venture, in a very few words, to express my opinion on the subject. I beg—adverting to the observations of my noble friend who has just sat down—to call your Lordships' attention to these important facts: that the Earl of Lucan appeared in court as an individual, as a spectator, and not as a magistrate; that, being in that court a spectator, he was most grossly insulted;

that he was treated in such a manner as clearly to deserve and to require the protection of the court; but he bore all these insults in a manner that might have been expected from a man of his rank, from an officer of his high rank in the army; but that, notwithstanding he was betrayed by the feelings which must have been excited by the insults to which he was subjected, and after having called upon the Court for protection, into the use of an expression with respect to the defendant which he certainly ought not to have used—which the noble Earl himself confesses he ought not to have used, and which expresion he had no doubt was, and ought to have been so considered by the Bench, a contempt of Court. I believe these are the facts of the case. My noble friend appearing in court as a private individual, being taunted, provoked, insulted in every possible manner—his character for honor and honesty being attacked, his honor as a justice of the peace being impugned—being accused of intending to become a judge in his own cause—my noble friend, under these circumstances, called for the protection of the Court against such insults; and he was eventually led into the use of expressions which he himself acknowledged ought not to have been uttered, but which must certainly be, and ought to be, considered as a contempt of the Court. I will also venture to justify the conduct of the noble Earl with respect to another point which has been alluded to during this discussion. It is said that the noble Earl was induced to take the course which he pursued, in consequence of the presence in Court of certain officers of a regiment stationed in the neighbourhood—I entirely acquit the noble Earl of any such feeling. The noble Earl was provoked and irritated; there was no evidence of malice prepense; he was provoked to make use of a certain expression without any regard to the persons who were present. Lord Lucan was not required to enter into any bond, but the Court threatened to bind over the defendant to the suit; and that gentleman was eventually required to promise that he would adopt no further proceedings. But it was necessary to investigate the case still further, for several noble Lords opposite impugned the conduct which had been pursued by the Lord Chancellor of Ireland in this case. The subject was brought under the consideration of the Lord Chancellor of Ireland by Lord Lucan himself. The Lord Chancellor was then bound to consider the question, and Lord Lucan repeatedly urged the Lord Chancellor to take the

subject into consideration, and decide upon it previous to his departure from Ireland. The Lord Chancellor was therefore compelled to give an opinion upon the case. Here were two parties—one person who grossly insulted Lord Lucan, the other Lord Lucan himself, who, being thus insulted, used an expression which was, in fact, a contempt of court; both parties standing before the Court of Petty Sessions, and both liable to punishment for contempt, the one being the plaintiff, present as a spectator, the other the defendant. I do not mean to compare the conduct of these parties, or the misconduct of which they have both been guilty. The Lord Chancellor of Ireland was called upon to consider this case, and he said,—'I conceive that magistrates who can be guilty of such a contempt of court in presence of a bench of magistrates ought not to continue in the commission of the peace, and I think it my duty to remove them both.' I do not consider that it was quite fair to pronounce judgment upon a case of this description without a full and complete examination; but I cannot agree in censuring the conduct of the Lord Chancellor of Ireland, or in thinking he committed any error of judgment in the course he pursued. The Lord Chancellor was called upon by one of the parties who was implicated in the case to institute an inquiry; and having ascertained the facts, and finding both parties had been guilty of what must be considered contempt of court, he said,—'I must remove you both from the commission of the peace.' That is the course which the Lord Chancellor of Ireland took, and I do not consider that any blame is to be imputed to him. Some noble Lords, in discussing this question to-night and on a former occasion, consider Lord Lucan throughout the whole proceedings as a peer of Parliament. My noble friend must be considered in this case merely as a private individual; he appeared at that court in the capacity of a private individual. A peer of Parliament has no privilege in a court of justice, except that, as a matter of courtesy, he may be called upon to take his seat upon the Bench. The members of this House, in common with members of the other House, have the privilege of freedom from arrest; but they can claim no other privilege, and they are entitled to no privilege in courts of justice. In this case, therefore, the noble Earl appeared before the Lord Chancellor of Ireland simply in the capacity of a magistrate; and the Lord Chancellor, in considering the case, appears to me to have discharged his duty most impartially—paying no regard to persons.

In the first discussion which took place on this subject in your Lordships' House, the opinion of the noble Lord at the head of the Government of Ireland was alluded to, and it was intimated that the views entertained by that noble Lord on the subject were at variance with those entertained by Lord Chancellor Sugden. The noble Lord (the Lord-Lieutenant of Ireland) has authorised me to say that, throughout all the inquiries instituted into the case, he fully concurred in the opinions of the Lord Chancellor (Sir E. Sugden); that he considered that these two magistrates must be considered as standing in a similar position, and that the same course must be adopted with respect to them both. It cannot, I think, be considered that there has been any intention on the part of the Lord Chancellor or the Government to act harshly towards any noble Lord. The Government adopted the course which they conceived to be consistent with their duty, and nothing was further from their intention than to pain my noble friend. The noble Lord (Earl of Charleville) who addressed your Lordships last stated that he could not think of attending to perform his duties as a magistrate at any petty session in Ireland; and he considered his noble friend the Earl of Lucan acted most properly in tendering the resignation of his commission as a justice of the peace for Middlesex.

The Earl of CHARLEVILLE: I made no such statement.

THE DUKE OF WELLINGTON:

Then I must have misunderstood the noble Lord. At all events the noble Earl stated that he would not perform the duties of a magistrate in any county in which he held the commission of the peace. I hope my noble friend will reflect before he determines to withdraw his services as a magistrate for such reasons as he has assigned. My noble friend (Lord Lucan), in a moment of irritation, unfortunately made use of an indiscreet expression; but I do not think that there is any chance that the noble Earl (Earl of Charleville) will so far forget himself. I hope most sincerely that neither the noble Earl nor any other individual will, in consequence of this act of duty on the part of the Lord Chancellor of Ireland, deprive the country of the benefit of his services as a magistrate.

After some discussion, the matter dropped.

[FOURTH SESSION OF THE FOURTEENTH IMPERIAL PARLIAMENT.—SEVENTH VICTORIA.]

February 12, 1844.

VOTE OF THANKS TO THE ARMY AT SCINDE.

The Earl of RIPON moved the thanks of the House to Major-General Sir Charles Napier, and the officers and men under his command employed in the operations at Scinde.

THE DUKE OF WELLINGTON said:

I can assure your Lordships that it is not my intention, in addressing your Lordships for a few moments, to say anything which may occasion any difference of opinion. And I hope I may congratulate my noble friend upon having proposed a motion to your Lordships which will be unanimously agreed to. But, my Lords, I cannot listen to such a motion as this, impressed as I am with a strong sense of the importance and merits of the services which have been brought under your Lordships' attention, without expressing my cordial assent in the expressions of approbation of my noble friends, and in the motion submitted by the noble Earl to your Lordships. My Lords, I must say that, after giving the fullest consideration to these operations, I have never known any instance of an officer who has shown, in a higher degree, that he possessed all the qualities and qualifications to enable him to conduct great operations. He has maintained the utmost discretion and prudence in the formation of his plans, the utmost activity in all the preparations to ensure his success; and finally, the utmost zeal, and gallantry, and science in carrying them into execution. My Lords, my noble friend has alluded to Emaun Ghor, which was one of the most glorious feats of which I have ever perused the despatches, and it was completely successful. The march was commenced at the very beginning of the hot season, with heavy guns, with heavy artillery, which were transported in a most extraordinary manner, and which enabled him to take possession of the place, and deprive his enemy of that retreat, in case they should ever again attempt to get possession of it. After his return from the operations he had effected, he collected all the troops which he had immediately at his command, and made all the preparations which he could make for the future events which might occur, and which might render it necessary for

him to engage the enemy. My Lords, it proved that he had collected but few troops; but, however, he had confidence in them and himself, and they felt confidence in him, and he made a most extraordinary attack, which completely succeeded, and gained a complete victory, having obtained possession of all the enemy's guns, their ammunition, and their baggage. Having gained one victory, he again found himself in a position likely to be attacked by a greatly superior force. He secured for himself not only the fortress of Hyderabad, but also a fortress on the Indus behind him. He then brought up the reinforcements from Sukkur, and he had a stronger army than that with which he fought and won the battle of Meeanee. My Lords, I must do him the justice to say that the movements to effect a junction with his reinforcements manifested all the discretion and all the abilities of an officer to be intrusted with the highest description of operations. When he was joined by his reinforcements, he immediately advanced on the enemy, and, as has been stated by my noble friend, he attacked them, and the result was another most brilliant victory. After an action in which he displayed all the qualities of an excellent general officer, and showed to the troops under his command all the qualities of the bravest soldier—my Lords, after this victory he pursued the enemy to his capital of Meerpore, on the borders of the desert, of which he took possession; and he afterwards entered the desert, with the view of taking possession of another post there, which might have been likely to have afforded an asylum to some enemy thereafter—a post called Omercote. I mention the fact, because in the course of these operations a circumstance occurred which manifested the confidence which the officers and men had in their commander, and which showed the reason of his successes. Having determined to make an attack upon Omercote, he found that the river Indus was rising in his rear, and that he might experience a difficulty to keep up a communication with Hyderabad, yet he determined and actually sent an order that the operations should be stopped; he countermanded the operations, and directed the troops to fall back upon Meerpore. At this juncture it was thought necessary to apply to him for further orders; and an officer there, one of his aids-de-camp, rode through the desert, at that hot season of the year, a distance of not less than forty miles, to let him know in what state the operations of the siege were, and to take his fresh orders on the subject. Having received his orders,

which enabled the operations of the siege to be continued, this officer rode back the forty miles, making eighty miles in one day in that climate. The operations of the siege were renewed, and the place was taken. I mention this circumstance, because it shows the remarkable fact of the confidence reposed in Sir C. Napier by those who served under his command, and the zealous desire of those with whom he was connected to carry out his views. My Lords, I cannot state a more simple fact to show the spirit which animated all those under his command. I hope that I have said nothing to disturb the unanimity of your Lordships. There is only one other fact that I will mention to induce your Lordships to pronounce your approbation of this service. It happens to me to know that Sir C. Napier, on the morning of the second battle, received from the Governor-General his approbation of the conduct of the troops at the battle of Meeanee, and the announcement that the rewards for their services would follow; and this was, I believe, a great inducement to the exertions of the troops, which were afterwards crowned with such success. With these few remarks, my Lords, I cordially support the resolutions of my noble friend.

Resolutions agreed to *nem. con.*

March 4, 1844.

NATIONAL EDUCATION, IRELAND.

The Marquis of NORMANBY rose to call the attention of their Lordships to the statements which the petition which he presented contained. It was a petition from John and Elizabeth Ryan, who were the teachers of the Parochial School at Balysare, in the county of Kildare, and was made in consequence of the withdrawal of the annual interest on 200*l.* left by the late rector; which 200*l.* had been, for the last seventeen months, withheld by the Board of Charitable Bequests, in consequence of the introduction of the National system of Education into the school.

THE DUKE OF WELLINGTON said:

The noble Marquis has truly said that he has commented at considerable length on the contents of this petition, which he gave notice on Friday that he should present to the House. As is my duty, I have taken great pains, since the noble Marquis gave notice of his intention to present this petition, to endeavor to obtain every information on the subject-matter of this petition,

and I took away a copy of the notice given by the noble Lord, in order to prevent delay in my inquiries; but I confess that I have not been able to obtain much information on the subject; I, therefore, can only give a very short explanation on the present occasion. I rise now merely to state that I have seen a letter from Mr. Benningham, from which it appears that the statement of the noble Marquis is nearly accurate as to the facts which he has stated. It appears that the reverend gentleman in question became entitled to the administration of certain charitable funds for the education of the poorer children in the parish, in conformity with the bequest of a testator, and he established in his parish, in conformity, as I conceive, with the instructions of the bequest, a school on the National system of education; and upon the subject coming under the notice of the Board of Charitable Bequests in Ireland, this body, which had the power, thought proper not to approve of the establishment of this school, thinking that it was not established according to the will of the testator. In consequence of this reverend gentleman being directed by the Board to apply the funds which were at his disposal in a manner more in conformity with the intentions of the testator, he wrote to the noble Lord the Secretary of the Government in Ireland. Upon this subject, it appears to me that he only did what he ought to have done when it came under his consideration. He informed the party that, if he considered himself aggrieved, he ought to have recourse to a court of equity; that there was no other course that could be adopted; and that a court of equity alone had control over the Board of Charitable Bequests, which was formed of the Lord Chancellor, the Bishops and Judges, and other eminent persons in Ireland. In the first place, however, I recommended this reverend gentleman to apply to the Lord Chancellor, who is a member of this Board, to bring the subject under the reconsideration of the Board, and this was stated in the letter which was read by the noble Marquis. The party accordingly applied to the Lord Chancellor of Ireland, and received a reply, dated from this country; and under these circumstances the noble Marquis chose to throw out a taunt against the Lord Chancellor for being absent from Ireland during the vacation in his court. It should be remembered that this reverend gentleman did not apply to the Lord Chancellor as the head of the Court of Equity, but applied to him in his private capacity as a member of the Board

of Charitable Bequests, and got an answer accordingly. I know nothing more of the case; but I was informed that the charge against the reverend gentleman was, that he had not supported such a school with the receipts of this bequest as it was considered by the Board that he ought to have done, until the bishop of the diocese ordered him to do so. It was all along said that it arose from ignorance, and not from intention, that the reverend gentleman had supported an improper school in the first instance, and it was only when he was subsequently better informed on the subject that he made these changes which he was called upon to make. With respect to the decision of the Board of Charitable Bequests, and as to the letter of the Bishop of Kildare, and as to all the other matters which the noble Marquis has thought proper to bring forward on this subject, I have no knowledge whatever; but I contend that the noble Lord, the Secretary of the Irish Government, has done his duty in pointing out to this gentleman the course which he should take to obtain the redress for the alleged grievances which he states, and for the complaints which he made. If this gentleman did not choose, for some reasons of his own, to follow the advice of my noble friend, he has no ground of complaint, for it was for him to judge of his own conduct. I do not, however, conceive that, while this course was open to that gentleman, the noble Marquis is justified in calling for a committee of the House to inquire into a matter of this kind; but I can assure the noble Marquis that, if he will furnish me with a copy of this petition, I will take care that the attention of Her Majesty's Government shall be called to the subject; but the whole matter would be properly investigated if this gentleman would only adopt the suggestion offered to him by the noble Lord the Secretary for Ireland, and apply to a court of equity for a remedy.

Petition ordered to lie on the Table.

March 12, 1844.

MAYNOOTH.

Lord MONTEAGLE having introduced the subject of Maynooth,

THE DUKE OF WELLINGTON said:

I am not at all surprised at the noble Lord's having called your attention to this subject; it is one of very great interest

undoubtedly, but I must say I regret, that, instead of entering so deeply as he has done into the subject now, the noble Lord had not adopted the proposition which I submitted to the noble Marquis opposite on the subject on Thursday last, and delayed making his statement until the papers were before the House. The reason why, on Thursday, I requested this motion to be postponed from the Friday to the Tuesday following, was, that I desire an opportunity of looking over the voluminous information now before Parliament. I have no sort of objection to give the papers moved for; but I wish, as I have just said, that any discussion on the subject should be postponed until they are actually before the House. I have since Thursday endeavored to collect all the information I could on the subject, but certainly the noble Lord has now stated many facts of which I was entirely ignorant. I certainly was not aware of the state of things described. The statements made on this occasion by the noble Lord are perfectly correct, as appears from the records already on your Lordships' Table. I do not exactly recollect the letter which the noble Lord has read, which was signed by me more than thirty-five or forty years ago; but I must undoubtedly have acted by order of the Government of the time, and must have reported to the Government the answer which I received to the communication. I do not recollect what the grievances referred to were; but I do recollect the question respecting an augmentation of the grant, and that a determination was arrived at to reduce it to the amount at which it was before, and so the grant continued till, I think, the year 1812, when it was augmented on the score of building by 7000*l.*, or something of that kind. Doubtless, there can be no subject more interesting than this can be to the House of Lords. This is an institution formed by the Irish Parliament in 1795; the Act was amended by another Act in 1800, before the Union, so that the institution was entirely formed by the Irish Parliament before the Union. The Act of 1800, indeed, was amended by the Imperial Parliament in 1808; but, I repeat, the institution itself was entirely formed by the Irish Parliament, and came to us altogether as from that body. As I said before, I wish this discussion had been postponed until we have before us all the information it is contemplated we should have, by the production of these papers upon your Lordships' Table. I have no objection to produce the papers; but I should only be deceiving your Lordships,

if I did not say that I give this assent without conveying any present intention on the part of the Government of making any alteration in the grant. Undoubtedly, the Government must take the whole subject into their consideration; though, I repeat, there is no intention that any alteration should be made in the grant. If such an intention, however, should be at any time entertained, it would be announced, in the first instance, in that quarter where the grant must originate. I trust I may be excused from going further into the subject now; I fully admit the statement of the noble Lord to be a most important one, and can promise that all the facts which the noble Lord has set forth shall be taken into mature consideration.

Returns ordered.

March 18, 1844.

CHURCH OF IRELAND.

Earl FITZWILLIAM presented a petition from Glasgow with reference to the Church of Ireland.

THE DUKE OF WELLINGTON said:

My Lords, I must say, there can be nothing more inconvenient than the discussion of such large questions as the noble Earl has entered upon in the speech which he has just delivered, on the mere presentation of a petition. My Lords, those questions relate not merely to the topics contained in that petition, to the state of the Protestant religion in Ireland, or to the compacts that were entered into for the maintenance of that religion in Ireland; but they refer to the very foundation of the Reformation in this country, and the noble Earl has propounded to your Lordships a something, neither the nature of which, nor the period at which it is to be carried into execution, is he himself exactly certain of. Something or other must be done: to that something this country must make up its mind; the noble Earl does not state what it is to be; but it is, at all events, to involve the repeal of those laws upon which the Reformation in this country has been founded. My Lords, I have already taken opportunities of warning your Lordships against the assertion of such doctrines in this House, and I must again express a hope that you will observe and beware how they are introduced into it, because you may rely upon it,

that there is not an individual in this country, be his religious opinions what they may, be his position what it may, who is not interested in the maintenance of the Reformation. Not only our whole system of religion, but our whole system of religious toleration, in which such vast masses of people in this country are deeply interested, depends upon the laws upon which the Reformation was founded; and I therefore entreat your Lordships to give no encouragement to doctrines that might induce a belief that there exists in this House any indifference on the subject of those laws. With respect to the Church of Ireland, I beg of your Lordships to recollect that the Protestant Church of Ireland has existed in that country during a century of contests, rebellions, and massacres; that during a contest for the possession of the Crown the Protestants of that country encountered that contest and kept possession of their Church; that during another century it was maintained through much opposition, and under difficulties of all descriptions; and that, at the period of the Union, the Parliament, who had the power either to consent to the Union, or to refuse their consent, stipulated that the Protestant Church in Ireland should be maintained, and maintained on the same footing as the Protestant Church of England in this country. My Lords, the Parliament of Ireland had, under the auspices of the king of this country, the power of either making or not making that compact. Your Lordships entered into that compact with the Parliament of Ireland, and I entreat you never to lose sight of the fact. I entreat you not to suffer yourselves to be prevailed on to make any alteration in, or to depart in the slightest degree from, the terms of that compact, so long as you intend to maintain the Union between this country and Ireland. It is the foundation upon which the Union rests; it is a compact which you entered into with the Parliament of Ireland, and from which you cannot depart without being guilty of a breach of faith, worse than those which have been referred to in other countries; worse than those pecuniary breaches of faith which have been alluded to in the course of the discussion which took place in your Lordships' House this evening, upon another subject. I entreat you to listen to none of those petitions or speeches which tend to the injury or the destruction of the Church in Ireland. Do what may be necessary—do what it may be proper to do, in order to render that Church more beneficial to the people of that country; but I entreat you to adhere strictly, in

spirit and according to the letter, to the compact you have made, and not to permit it to be supposed in any quarter whatever that you entertain the most distant intention of departing in the slightest degree from that arrangement. The noble Lord says that the feeling of this country at the present moment is in favor of that arrangement. I sincerely hope that it is so, and that, as long as there is a spark of honor in the country, the same feeling will continue to be evinced in every part of it. The noble Lord has also stated, and truly, that, before the mind of the country can change so far as to induce it to depart from that compact, it must first be made up to undermine the foundation of the Reformation in this country. While waiting for the scheme, which, according to the noble Earl, is to be carried out—God knows when!—I entreat your Lordships not to think of violating the compact into which your House entered for the preservation of the Church of Ireland.

April 29, 1844.

RECALL OF LORD ELLENBOROUGH.

Lord COLCHESTER asked the Duke of Wellington whether the despatch communicating to Her Majesty's Ministers the recall of the Governor-General of India, by the Board of Directors of the East India Company, had contained any reason for that proceeding; and whether the noble Duke had any objection to state to the House those reasons, and whether they were satisfactory; and the noble Lord further begged to inquire whether the Court of Directors had authority to take the step they had taken.

THE DUKE OF WELLINGTON said:

My Lords, I regret that my noble friend the President of the Board of Control is not in the House, and I regret the circumstance the more, because it is occasioned by indisposition. Having, my Lords, heard that it was intended to put a question of a similar nature in another place, I am enabled at once to give an answer to the question which has been put by my noble friend. There is no doubt that the Court of Directors have stated reasons for the recall of the Governor-General. Those measures not being concurred in by Her Majesty's Government—not being considered valid by them—they have not concurred in the measure adopted. Nay, more, my Lords, I will add, in answer to that question, that Her Majesty's Government did strongly remonstrate against the

measure proposed to be adopted, and now adopted by the Court of Directors, in passing resolutions for recalling Lord Ellenborough from the office of Governor-General of India. But, my Lords, I must add that there can be no doubt whatever—although a doubt was expressed by a very great authority, my noble and learned friend opposite—of the legal right of the Court of Directors to recall the Governor-General of India. That right is conferred on that body by the law; and I know that it has existed at all times since the year 1784. It was confirmed particularly by the law passed in 1813; and was renewed or rather retained in 1833 by the 3rd and 4th Will. IV., an Act passed under the auspices of my noble and learned friend opposite. These various enactments give to the Court of Directors the undoubted right to recall the Governor-General. But, my Lords, I conceive that this right is one which those who possess it are bound to exercise with due discretion; as all bodies and all individuals ought to do when they possess extraordinary powers under the provisions of the law. In such cases, my Lords, they are bound to exercise that right with the utmost discretion. Now, my Lords, I will venture to submit to your Lordships, as the opinion of an individual who has had some experience in such matters, that the exercise of the power belonging to the Court of Directors is not, in this instance, to say the least of it, a discreet exercise of that power. My Lords, the Court of Directors has this power. It has also the power of nominating a successor in the room of the person they recall. But, my Lords, it has no other power whatever, as your Lordships will find on looking into the law on the subject—it has no other power whatever, my Lords, except under the direction and control of the Board of Commissioners for the Affairs of India, at the head of which my noble friend (Earl of Ripon) happens to be; and for the acts of that Board of Commissioners Her Majesty's Government is responsible. Under these circumstances, my Lords, I venture again to say, what I before said, that it is not a discreet act of authority to recall from power —to recall from such an important position as that of Governor-General of India—an officer who was for little more than two years—an officer who has given satisfaction, in so high a situation, to those by whom he was instructed and employed—whose acts have been concurred in and sanctioned in every instance,—to recall that officer suddenly, making no provision for the performance of

the great duties which are to be performed, and which must be performed in that country—to recall an officer in whom the Government fully confided, without the concurrence of that Government—is, my Lords, an act, to say the least of it, that cannot be called a discreet exercise of the power which is conferred on those who have so used it. My Lords, I will say nothing—I will advert to nothing that is not notorious—that is not strictly in reference to the Act of Parliament. I beg your Lordships to observe that the body that did this Act—which I must call an act of indiscretion, at least—that body, as a body, has no knowledge whatever of the instructions sent out to the Governor-General, and under which he acted. They stated reasons for withdrawing the Governor-General from India; but as a body (except the secret committee appointed under the Act of Parliament) they had no knowledge whatever—they could have no knowledge—whatever of the instructions under which the Governor-General acted, or of the events which had taken place in that country, except that which is in the general knowledge of this and the other House of Parliament, and the whole public of this country. And yet, my Lords, they take this responsibility on themselves, having no knowledge of the instructions which it was deemed necessary to send out to that part of the globe—and the Act of Parliament will show they are bound to have none—having no share in giving those instructions; in short, having no knowledge on which to found a judgment on so important a subject as the recall of a Governor-General, they took upon themselves to pronounce their judgment on the conduct of this officer, and to disapprove of it. Now, my Lords, I must say that, having no knowledge which could enable them fairly to pronounce their judgment on his conduct, or that could justify them in depriving the Government of the best instrument—I say it again, the best instrument that could be found to carry on and to perform the various duties of that great office, making no provision whatever for the performance of those duties which are now to be provided for by Her Majesty's Government, is an indiscreet exercise of the power they possess. My Lords, as I have said so much on this subject, I will, in order to illustrate the indiscretion of this act (that is the best word I can find for it), go a little further. My Lords, though I believe that this is the first time in the history of the Government of India that this extreme measure has been resorted to by the Court of Directors, it has

more than once been in contemplation; but, upon the advice and remonstrance of the Minister of the day, the resolution of the Court of Directors has always been withdrawn. And it is the fact that it has been in contemplation by these very gentlemen, with reference to this same Governor-General, in the course of the last twelve months; but they were at that time prevailed upon to withdraw that resolution, and not to persist in the recall of my noble friend. This was previous to the great military operations at Gwalior, of which we have all heard with so much satisfaction—operations which, I am sure your Lordships will have perceived from the perusal of the Reports which have been laid upon your Table, must have been founded upon the most just and discriminate measures, for the equipment and maintenance of the armies kept in the field under the direction and superintendence of the Governor-General: not the equipment only of those armies, but the support of the troops in the field, the maintenance of military communication, and the means of advance and retreat—in short, all that could tend to ensure their success—were amply provided for. Then, my Lords, suppose the Court of Directors to have recalled the noble Lord six or eight months ago, whilst the measures to which I have alluded were in contemplation: what would have become of the great operations at Gwalior—operations carried on under the direction and superintendence of my noble friend the Governor-General? The gentleman who was the senior in the Council must have succeeded my noble friend—a respectable man, no doubt, he is, but without the experience of my noble friend, and without the knowledge of equipping armies, and making proper arrangements for their being called into action. It is needless to add that great and successful operations, such as those to which I have alluded, could not have been so carried on, and I leave your Lordships to judge what the situation of India would have been if that course had failed, and if such an army as we have seen recorded in one of the Blue Books, upon this Table, had continued in existence, threatened, as we were, at the same time by a similar body in the Punjab, on the north-west frontier, and with the province of Scinde still in an unsettled state. Why, my Lords, the danger would have been imminent; and this would have been the consequence of the recall of my noble friend six or eight months ago, a measure which was in contemplation, and which was only pre-

vented by our representations to those who have committed this gross indiscretion of recalling the noble Lord—it was prevented only by the representations made to those gentlemen of the dangers which would ensue to the public interest from the measures they were about to adopt, the dangers resulting from the impossibility that they would be able to provide for events which most probably would occur if they recalled their officer without the consent of Her Majesty's Government, who would thus be deprived of the instrument in their hands best fitted for carrying their instructions into execution, while the Directors in this country must be unable to direct the means in existence for securing the safety of their troops, for guarding their frontier, for upholding the honor of Her Majesty's arms, and the security of our vast dominions in that part of the world. I say again, as I have said before, and I so say the least of it, I pronounce it to be the most indiscreet exercise of power that I have known carried into execution by any body possessed of power since I have had a knowledge of public affairs, which I am sorry to say is upwards of half a century.

House adjourned.

May 7, 1844.

The Marquis of NORMANBY brought under the notice of the House the correspondence between the Court of Directors of the East India Company and the Government on the subject of the recall of Lord Ellenborough from India.

The Earl of RIPON and Lord BROUGHAM having spoken,

THE DUKE OF WELLINGTON said:

The observations of the noble Marquis having turned entirely on the discussion which took place in this House a few evenings ago, I hope your Lordships will allow me to address a few words, though without intending to continue a discussion which has arisen merely on a question. I beg to state, in answer to one part of what the noble Marquis stated, that certainly there is no intention of proceeding to any alterations in the constitution of the East India Company. I had no such intention on my mind at the time I addressed your Lordships a few nights ago. If the noble Marquis had condescended to recollect anything so insignificant as the course I have taken in Parliament, not only in this, but in the other House, on all questions which have concerned the East India Company, he must have entirely acquitted me of being the origin-

ator of any measures of that description, to deteriorate the power of the East India Company or of the Court of Directors. Your Lordships will recollect that Monday week was not the first occasion on which the subject was mentioned in this House—it had been previously mentioned on the preceding Friday, the 26th I think. The noble Marquis having then asked a question on the subject, which was answered by my noble friend (the Earl of Ripon), that answer occasioned a discussion, in which the noble Lord opposite (Lord Brougham) spoke, my noble and learned friend spoke, and the noble Marquis (Marquis of Lansdowne), whom I do not see in his place, spoke also; but I did not think it necessary on that occasion to take any part in the discussion. I heard afterwards that the silence which I preserved on that occasion had given rise to an impression that I refrained from presenting myself to the House because I could not say anything in defence of my noble friend Lord Ellenborough—that it had been considered as evidence that I had not a very favorable opinion of the government of my noble friend in India, and that I had an opinion that the decision taken by the Court of Directors was a proper one. When I found, what I did not know till Monday, that it was expected of me to answer a question put to me on that day, I considered it my duty to state my opinion on the transaction itself, and I thought the opinion I stated as moderate as possible. As there had been a question as to the power of recall on the preceding Friday, I stated that there was, and that there could be no doubt whatever of the power of the Court of Directors in that respect. I showed what the power was, and where it was to be found. I stated at the same time that it was a power which ought to be exercised with discretion, and that I thought that it had not been exercised with discretion on the present occasion, and I stated my reasons for so thinking. That is the full amount of what I stated, and I guarded myself over and over again in stating that it was a power which I thought had not been exercised with discretion; I stated my reasons for thinking so, with no desire to give offence at all; certainly I had no intention to give offence to that body which had exercised that power—the Court of Directors. I certainly thought—as my silence on the former night had been considered as implying a censure on my noble friend the Governor-General, which was far from what I felt and, moreover, as any doubt of that description existed in any quarter—I certainly felt that it was my duty, that it

was incumbent on the person who addressed the House for Her Majesty's Government, to protect the public servant who is absent in the performance of his public duties—to protect any one who happens to be protecting Her Majesty and the public—and, in my opinion, in this instance most meritoriously; in my opinion, I say, it was my duty to protect him from the great authority which had so far censured him as to recall him from the performance of the duties of his office. That was my reason for saying what I did. I further said that it was my opinion that, if Parliament thought proper to call for the reasons stated by the Court of Directors for adopting this measure of recalling the noble Lord, those reasons ought to be communicated to Parliament, so far at least as they could be communicated without detriment to the public interests. I believe that is the true principle which ought to regulate the conduct of Parliament and the Government on questions of this description. I said, therefore, that every reason ought to be given which could be given without injury to the public interests. But my noble friend has stated that they cannot be given to Parliament without injury to their interests, and therefore they cannot be given at present.

July 11, 1844.

DIOCESES OF ST. ASAPH AND BANGOR.

The Earl of POWIS stated that it was his intention to withdraw his Bill for the union of the dioceses of St. Asaph and Bangor. He considered this the best course under the circumstances.

The Bishop of SALISBURY having addressed the House,

THE DUKE OF WELLINGTON said:

I should not have said a word on this subject if it had not been for what had fallen from the right reverend Prelate, who has thought proper, in a manner not at all in conformity with Parliamentary practice, to refer to and to go into what has been said in former debates on this subject, and to introduce not only the subject of impropriate tithes, which has only been casually referred to by a noble friend of mine opposite, but also other topics, which have been equally mentioned by accident, and which have nothing at all to say to this question. The right reverend Prelate has also brought under review the arguments adduced by so humble an individual as myself, who, as the right reverend Prelate truly said,

can be but little conversant with the subject. I am not a member of the Commission; I never was a member of it; I know nothing about it but what I have seen published in the Reports, all of which I have read very carefully. It was my duty to read these Reports, and the Act of Parliament which I have referred to on a former occasion; and I have read them, and am acquainted with their contents, and I am able to state to the House that the Bill of the noble Earl, if passed into a law, will have the effect of repealing part of an Act of Parliament, which is the very foundation of the powers which are given to Her Majesty by Her Order in Council, and I, on a former occasion, entreated your Lordships not to agree to the Bill on that account, without the consent of the Crown to the discussion. With reference to the power of appointing a Bishop of Manchester, which subject has been again alluded to by the right reverend Prelate to-night, it is said that it can be provided for in another manner, by the use of the prerogative of the Crown and by another Act of Parliament. I am not discussing another Act of Parliament, but I am discussing that Bill which is before the House, and the effect which it is likely to have, if agreed to, upon those arrangements which are to be carried into effect by Her Majesty's Orders in Council under the existing law. I referred to the power given to Her Majesty to carry into execution the recommendations of the Commissioners by Orders in Council, and I then reminded the House that the Bill of my noble friend will have the effect of destroying the very foundation of that power of Her Majesty. That is the course which I took on a former occasion, when the Bill of my noble friend was under discussion by your Lordships. It will, I repeat, affect the whole superstructure of that power to carry out the necessary arrangements under the existing law, and will tend to destroy all the machinery which has been provided for carrying out the recommendations of the Commissioners. That is the ground which I took when the subject was last before your Lordships. These are the reasons which I urged for not agreeing to the Bill; I represented on that occasion what the arrangements were which might be carried into effect without this Bill. Amongst other things, I mentioned providing for the parochial clergy in Wales; I mention Wales in particular as more applicable to the case, but the power under the existing law applies to all the parochial clergy, and I state that the law under which that can be done would be effected

by the Bill of the noble Earl, if it were passed into a law. I have now a paper showing what distribution has been proposed of the revenues at the disposal of the Ecclesiastical Commissioners by Her Majesty's Orders in Council. If your Lordships refer to the Reports, you will find that very large demands are made upon the parochial funds—you will find that very large demands are made on account of those dioceses: in the dioceses of Llandaff and St. David's, for instance, the demands which are made on the parochial fund are greater in amount than the saving that would be effected by the union of the dioceses; the demands for parishes in the dioceses of St. Asaph and Bangor are, 3181*l.* for St. Asaph, and 4747*l.* for Bangor, on the parochial fund. It is true that the episcopal fund cannot be applied to this purpose without the authority of an Act of Parliament, and it is true, as has been said, that it is at the disposal of the Government. That may be, if they can prevail on the other House of Parliament to agree to such an appropriation of the episcopal fund. With respect to the Bill of the noble Earl, I will beg to remind your Lordships again that its effect will be to repeal a portion of the Act of Parliament which is the very corner-stone on which the whole system at present in force depends with respect to the power of Her Majesty in Council, and the appointment of a Bishop in Manchester, as well as with reference to the sees of Llandaff and St. David's. The right reverend Prelate who spoke last has charged me with ignorance of the Act of Parliament which was passed in order to carry into effect some of those arrangements to which I have alluded; but what I stated before I will now state again; and if your Lordships will refer to the Act of Parliament to which I have before directed your attention, and refer to the Bill of the noble Earl, you will find that I have stated correctly what would be the effect of the Bill of the noble Earl. Your Lordships are well aware that there were serious objections made at the time the Reports originated to the introduction of two Bishops, the Bishops of Ripon and Manchester, into this House, and I believe it was deemed necessary at that time to unite not only two dioceses, but four dioceses. It is true, as the right reverend Prelate said, that the exercise of the prerogative of the Crown, and a Bill in the other House of Parliament, could effect some of those purposes; but I point out that very ground as an objection to the Bill of the noble Earl, namely, that this Bill will make it necessary to resort

to the prerogative of the Crown, and a Bill in the other House, to effect an object which can, as the law now stands, be attained by an Order of Her Majesty in Council. If such a measure is really required, I beg to be permitted to claim for Her Majesty's Government the opportunity of considering the matter, and of originating such a measure themselves, and not to be forced to bring it forward by a Bill brought into this House. The right reverend Prelate objects to the use of the prerogative of the Crown on this occasion. No one can have said less on this subject than I have, and I only mentioned it when I looked upon it to be absolutely necessary to do so. I stated last Session, when the Bill was before the House, that it would be necessary to have the consent of the Crown to the discussion of the Bill in Parliament, but I did not mention it till the Bill had proceeded through some of its stages. On the occasion of the introduction of the Bill this Session, I allowed it to pass a second reading without saying a word on the subject of the necessity of the consent of the Crown to the discussion, and I did not bring it forward until I was asked by a noble Lord on the other side of the House if I had the authority of Her Majesty to consent to the discussion of the Bill. I did not speak one word on the subject up to this time, for I thought it proper to allow your Lordships to decide on the second reading of the Bill. When, however, I was asked that question, I stated that I had no such authority; I did not state it sooner, for I knew that it would be time enough state it at any stage of the measure. When the Bill was about to be read a third time, I stated that I had not the authority of Her Majesty to sanction the discussion of the measure, and I urged your Lordships not to proceed in it without the sanction of the Crown; and I urged upon the right reverend Prelates whether they ought not to refuse a Bill, to the discussion of which Her Majesty had not given her consent. I urged them to consider whether, even supposing that it was the greatest possible object to the Church to have the dioceses of St. Asaph and Bangor separated, it would be not advisable, even for such an object, to establish the precedent of agreeing to a Bill affecting the interests of the Church without having the consent of the Crown to its discussion. That was all I said on the subject; and I entreat your Lordships to consider whether you ought to adhere to the Act or not. Several noble Lords, however, considered not only that the form was important,

but that the substance as well as the form of it was important, and that it was most essential that the consent of the Crown should be obtained to the discussion of the Bill; indeed, my noble and learned friend on the Woolsack expressed a doubt whether or not he could put the question on the Bill, after it had been stated that the consent of the Crown was not given to the discussion on the Bill; and the subject was accordingly referred to a committee, which committee were required to search for precedents, in order to ascertain if the Bill belonged to that class of Bills to which it was the usage of the House to obtain the consent of the Crown for the discussion, and the committee reported that it was of that class. The only use which is made of the prerogative of the Crown in this case, however, is that Her Majesty is not advised to give the consent of the Crown to the consideration of this Bill in the House; that is all that has been done in the prerogative of the Crown; and it is, in fact, the House itself that takes the course that has been complained of with regard to the Bill, and not those of whom the right reverend Prelate says that they are willing to take advantage of the prerogative of the Crown. It is the duty of the servants of the Crown to consider this case as they would consider any other case—it is their duty to consider whether the measure is necessary, or, if not necessary, what course they ought to take. When they consider the subject, and when they come to the conclusion that it will be likely to inflict injury instead of being useful, it is their duty to advise the Crown not to give its consent. I felt myself under the necessity of making these observations; I should have allowed the motion of my noble friend to pass without remark, if it had not been necessary for me to do so in my own defence.

Bill withdrawn.

August 5, 1844.

STATE OF THE NAVY.

The Earl of MINTO moved for returns exhibiting the state of the British Navy.

The Earl of HADDINGTON opposed the motion.

THE DUKE OF WELLINGTON said:

The noble Earl opposite having adverted to some observations of mine some few years ago, on the state of the navy at the time,

notwithstanding that I am quite satisfied with the defence which my noble friend has made of his department, I must trouble your Lordships for a very few moments, in order to show you the difference between the state of things now and at the period when I made those observations. My Lords, at that period this country was engaged in a state of warfare in North America, which required—imperatively required—the assistance of a considerable fleet; also in China, also in India, and even in the Persian Gulf. Though, my Lords, I was not exactly in the service of the Government at that period, I was very much in the habit of communication with a noble friend of mine, then at the head of the army, now unfortunately no more; and when he asked my opinion on any subject I never failed to communicate it to him freely. I certainly did frequently advise my noble friend, and consulted with him in respect of the operations of our fleets and armies at that period in all parts of the world; and, my Lords, that of which I complained then was, that being at war—engaged in extensive war—as I have stated, in three quarters of the globe, those wars were carried on with a peace establishment; the consequence of which was that the usual peace services were starved. Now I am not going to enter into the details of the number of men in the different ships, and so on; they are naval details, into which I am not competent to enter, nor will I enter into them. But we all know the number of men voted for the service; that is the criterion of the strength of the navy—it is, in fact, the provision by the Government and the Parliament for the naval service of the year; and, I believe, if we compare the number of men voted in this year of peace, they will be found equal to any number of men voted at any period previous in time of peace, even considering as a period of peace the period of time extending from the year 1837 down to 1839 and 1840, during which this country was engaged in a great operation in America, China, India, and the Persian Gulf. Under these circumstances I think the noble Earl did not do me justice when he compares the state of things with which I found fault in 1837, 1838, and 1839, with what exists at the present moment. The state of things was quite different; and, as far as I understand the condition of the navy at the present moment, I believe that ample means exist everywhere of performing the services which ought to be performed by Her Majesty's navy; that is, giving protection to Her Majesty's subjects

in whatever quarter of the world their commerce or other concerns may carry them. I believe the noble Earl does not contend that their protection has not in any case been given. When I say given everywhere, I do not mean to advert to contingencies so wholly out of all ordinary and reasonable calculation as the recent transaction in the Pacific—out-of-the-way events, carried on under circumstances protested against by this country and disavowed by the Government of France. My Lords, those who have been guilty of those eccentricities will be responsible for them to somebody; and I conclude, as a matter of course, that that responsibility will be carried into execution, and that they will be required to account for their conduct. The noble Lord surely cannot expect that large fleets are to be kept up in every corner of the world, to meet such improbable contingencies as these, or that, when they do occur, our officers are to be expected to begin hostilities against a national flag on account of the eccentricities of a particular individual. I will venture to say, and I have no doubt it will be found so when the matter comes to be examined into, that our fleet in the Pacific was at the period at which these events occurred sufficient to give full protection to Her Majesty's subjects in that quarter, under all ordinary circumstances. Whether it was sufficient at Tahiti, or any other part of those seas, is a question for the officer in command on the spot. I do not intend, my Lords, to go further into that question. Whether the gentleman who has been referred to was our consul or not at the time those events occurred, or whether he merited or did not merit what has happened to him, these are questions I am not going to enter into on this occasion. My noble friend has stated what is true—that a great outrage was committed. I entertain no doubt that satisfaction will be given for that outrage, and I am sure that it is better that there should have been no naval contest there than that there should have been any attempt made by the naval officer on the spot by a contest to prevent what has happened.

Motion rejected.

August 6, 1844.

POOR-LAW BILL.

Lord WHARNCLIFFE moved that the House go into Committee on the Poor Law Bill.

The Bishop of EXETER moved, by way of amendment, that the House go into Committee on the Bill on that day six months.

THE DUKE OF WELLINGTON said:

My Lords, I have given my best attention to the speech of the right reverend Prelate, and I beg to call your attention, in the first place, to the argument he has brought forward to induce you to postpone the consideration of this bill at such a period. He told you about an hour and a half ago that it was too late in the evening to go into the consideration of such a bill, and he further said that your Lordships were not in sufficient numbers for so important a measure to be disposed of. But I beg to remind your Lordships that we have frequently sat to a much later hour in the night than this, and that, according to the constitution and practice of this House, you are not at all in numbers too few for the consideration of any measure, and more particularly for the consideration of a measure which has been so long under the consideration of the other House of Parliament, on a subject which is perfectly known to your Lordships, and which has in fact been under the consideration of Parliament, not in the present Session only, but also during the last three or four Sessions of Parliament, when measures for the amendment of the present Poor-Law have been considered. Measures recommended by the late Government and by the present Government have been under the consideration of Parliament during that time, only that on account of the pressure of the other business those measures have been postponed, and at last this measure has been considered and brought to maturity in this Session of Parliament by the House of Commons. It is a measure which comes to your Lordships recommended by that House; and even at this period you are called on, night after night, to put off this measure, which has for its object the amendment of many of those evils in the existing Poor-Law of which the right reverend Prelate complains. This is the real question, whether you will to-night enter into the consideration of a bill which has for its object the amendment of the existing law. My Lords, this is the course of the right reverend Prelate on this bill, which was quite a legitimate course of argument for the right reverend Prelate to take: he spoke on the subject of the omission of any amendment in relation to chaplains in workhouses—a subject on which he addressed your Lordships with great eloquence in the earlier part of the present Session. My Lords, I lament, for one,

that this Bill does not contain all the amendments on the existing law which I think it ought to contain with regard to this subject. But the right reverend Prelate, after entering on this part of the subject, and stating, as he did so forcibly, his objection to the Bill, warmed up in the course of his argument, and came to that which was the real object of his amendment, namely, to repeal the existing law. The object of all the right reverend Prelate's speech, and of all his views on the subject, is the repeal of the law—that, my Lords, is what he wants. He wishes that you should return to the system which existed before the present law was enacted, and that you should not pass the Bill which has been the result of consideration during many Sessions of Parliament, and the object of which is the amendment of the law, but that you should at once repeal the law. My Lords, if the right reverend Prelate would be pleased to give notice, in the course of this week or of the next, that he will bring in a Bill to repeal the existing Poor-Law, and to restore the Act of the 43rd of Elizabeth, which I understand to be the object of the right reverend Prelate—if he will do this, I will undertake to say that he will bring down to the House a sufficient number of peers to discuss that proposition or any other subject which is worthy of their attention. But, my Lords, I entreat the right reverend Prelate not to set to work to repeal the existing law by preventing in the first instance the consideration of a Bill, the object of which is to amend the very evils in the existing law of which he complains. My Lords, the right reverend Prelate having passed so much of his time in discussing the policy of the present law, I must be permitted to say a few words to you on that subject, having voted originally for the existing law, although I sat on the other side of the House at the time it was proposed by the then Ministers, and having supported it on all occasions from that time to this. My Lords, the existing law, brought in in 1834, was rendered obligatory by the state of abuse which had grown out of the law of the 43rd of Elizabeth in every parish in England—in some to a degree which threatened the total ruin of such parishes by a total cessation of labour in some parts of the country, but everywhere in such a degree as to have required the attention of some of the greatest men who ever appeared in England—I mean Mr. Pitt for one, Mr. Whitbread for another, and Mr. Sturges Bourne for a third, who each and all of them endeavored to bring into and carry through Parliament Bills for

the amendment of the law of Elizabeth, and every one of them failed, finding they could not attain their object. The abuses were so great and so various, varying in almost every parish in England, that it became absolutely essential, by some system of legislation, to meet these abuses, so as to save the country from the ruin and destruction that was growing on it in consequence of the manner in which the law was administered. It was found at last that nothing would form a remedy except to establish a central system of government for the regulation and maintenance of the poor, under the management of Commissioners, who were to be themselves under the general superintendence and control of Government. That, my Lords, is an epitome of the history of the establishment of this Poor-Law. I say, my Lords, that you cannot depart from the system so adopted, with its abuses, as I said, in every parish in England, and which must tend, as it tended before, to the total destruction and ruin of agriculture, and press particularly on the very lowest class, who were the objects of the Act of Elizabeth. Now, my Lords, as to the management of the Poor-Law under the Act of 1834. I am not, nor have I ever been, a guardian of the poor. It is not in my power to live in the country sufficiently often from time to time to enable me to undertake such a duty, and I have never undertaken to perform it. But, my Lords, I do visit the workhouses in the different parts of the country where I happen to reside occasionally. During the year I reside a considerable length of time in two parts of the country, and I visit workhouses in both; and this I must say, that it is impossible for anything to be better managed than these workhouses are; and it is impossible for any system to have answered better as a system for the management of the poor, to have given greater satisfaction to those employed as labourers, and those who employ them, than this system of the Poor-Law in those two parts of the country where I reside. I speak, my Lords, of what I know, and I have always frankly stated the same in this House whenever I have had an opportunity, in answer to a noble Earl who is an enemy to this law. And, my Lords, I always will say the same thing whenever I am called on in this House. I must say, as far as I have any knowledge of this system, and I have frequently visited the union-houses in many parts, but more particularly in two parts of the country where I reside, that I cannot but approve of what I have seen there upon every occasion. The

right reverend Prelate has complained of some things which exist in these unions, and for some of which this Bill is to find a remedy. One of them is the separation of man and wife; and the right reverend Prelate says that there never was such a thing heard of as the separation of man and wife! My Lords, did the right reverend Prelate ever hear of workhouses and poorhouses under the old system of the law of Elizabeth? Did he ever hear of hospitals? Why, my Lords, the common decencies of life require that, when large numbers of persons are to be brought together, man and wife shall be separated. The women must be placed in one part, and the men in another part of the house. It cannot be otherwise. This is what is required by the laws of decency. It is not only in this Act that it is done, it was done in the old workhouses under the law of Elizabeth. It had been done invariably in hospitals, and it cannot be otherwise. Then, with respect to the education of children, instead of declaiming, as the right reverend Prelate has done to-night, of the inferiority of the schoolmasters and the defective state of education among the children, who by the bye are to be kept separate, let him introduce a clause to insure that the schoolmasters shall be properly qualified for their duties. But no, my Lords, that is not the object of the right reverend Prelate. He does not want to go into Committee that the present law may be amended, nor does he want the postponement of the Committee in order that your Lordships may have a better opportunity of considering this measure to-morrow or next day; but he wants you not to go into Committee, because he wishes to destroy the Act which this Bill is intended to amend. If the right reverend Prelate is in earnest let him come here with his amendments in Committee—let him state what his objections are—let him propose his amendments, and see whether my noble friend will adopt them or not. But to attempt to prevail on your Lordships to stop this Bill to-night, in order to render it absolutely necessary to repeal the existing Act, is a course unworthy of the abilities and station of the right reverend Prelate, and which I trust your Lordships will not attend to, but proceed with it as far as you can to-night, in order to render it as beneficial as you can, with a view of amending the law as it now exists.

Various clauses agreed to.

[FIFTH SESSION OF THE FOURTEENTH IMPERIAL PARLIAMENT.—EIGHTH VICTORIA.

March 7, 1845.

CONSTABULARY AND ARMY IN IRELAND.

The Marquis of NORMANBY moved for certain returns connected with the Army and the Constabulary in Ireland.

THE DUKE OF WELLINGTON said:

My Lords, I have first to apologise to the noble Marquis for having been guilty of the irregularity of interrupting him, by stating that I was not authorised to make the declaration which he supposed I might be authorised to make. I thought if I so stated at once, that, seeing all those noble Lords were absent whose presence the noble Marquis expected at the discussion, when he gave notice of his intention to bring it forward, probably the noble Marquis might consent to postpone it to some future time, more particularly as he has ended by telling us that, as my noble friends the late Secretary for Ireland, and the noble Earl late Lord-Lieutenant of Ireland, are not here this evening, it is his intention to bring this question under the consideration of your Lordships at a future period of the session in another shape. Really, under these circumstancees, I hoped that, since I had informed the noble Marquis I had not had an opportunity of considering these papers, he would have refrained from bringing the subject forward now. It was my intention to consider it at the time the noble Marquis gave his notice, but I could not do so. Subsequently, between the 22nd of February and the 3rd of March, when the noble Marquis had some communication with my noble friend the Secretary for the Colonies upon the subject of this motion, and the period at which it was likely the noble Marquis would bring it forward, I was in such a situation that I could not attend to any public business. Under those circumstances, on Tuesday I expressed an entreaty to the noble Marquis that he would be so kind as to put off the motion until the period at which my noble friends could attend, inasmuch as they had taken charge of the subject, and had perused all the documents upon it; and I hoped that he would have acceded to that request. I have considered it my duty, since last Tuesday, to give my best attention to the subject, which is one

involving great detail. There are Acts of Parliament to be perused, Proceedings of a Committee, consisting of not less than three folio volumes, relating to the subject, and I have taken great pains to make myself, as much as possible, master of it since the day on which I was able to attend to it. I am very sorry that my noble friend the Secretary of State, the noble Earl late Secretary for Ireland, who may be supposed responsible for this question, and my noble friend the late Lord-Lieutenant of Ireland, have not been able to attend this evening, for I am sure any one of them would have been better able than I can possibly be to give an explanation of this subject, and your Lordships would have listened to them with greater satisfaction; while the noble Marquis must also feel that, bringing forward a question of this description, it is desirable he should have antagonists who have had an opportunity of making themselves masters of it. When the noble Marquis, some weeks ago, gave notice of his intention to bring forward this question, he stated to your Lordships that he had no complaint to make as to the qualifications of the gentleman (Major Priestley) who has lately been appointed by the Lord-Lieutenant of Ireland to be Deputy Inspector-General. He has repeated something of the same sort this evening—gone so far as to express his friendship for the individual, and stated that he had considered it proper himself to appoint him to a high situation in the constabulary. There is, then, no complaint against the gentleman himself. I beg your Lordships to bear this in mind, for it is essential to the just consideration of the question. There is no complaint against the gentleman who has been appointed to fill this situation; he is an officer of rank in the military service of Her Majesty; he has served in the constabulary, and merits the approbation of his country and the confidence of Government for his actions in that country. I repeat, there is no complaint whatever against this gentleman; on the contrary, the noble Lord approves of him, appointed him to a high situation, and there is nothing whatever to be said against him. Now, my Lords, the Lord-Lieutenant has in this appointment exercised a power vested in him by the Act of Parliament. The noble Lord does not deny this; if he does I'll bring forward the Act. If there is any doubt about it, I'll have the Act. The Act of Parliament gives the Lord-Lieutenant the power of making these appointments.

The Marquis of NORMANBY: I stated that distinctly.

THE DUKE OF WELLINGTON:

But the noble Marquis says there was an understanding that those appointments were to be made, not by the Lord-Lieutenant, at his own selection, but at the recommendation of the Inspector-General. Now, my Lords, by whom was this understanding come to, and when, and where? It is true there may be a regulation between one Lord-Lieutenant and this or that Inspector-General, that certain recommendations for appointments shall be made by the Inspector-General; but I should like to know when and where there was an understanding that the Lord-Lieutenant was not to exercise the powers given him by Act of Parliament. I say that Act confides to him powers which it is his duty to exercise—I say, it is his duty to exercise those powers; and, my Lords, it is his duty to exercise them when and where he thinks proper, in spite of any understanding that may be come to. But I deny the understanding—I deny that any such understanding as that stated by the noble Marquis exists. I deny it, and I deny it on the acts of the noble Marquis himself. The noble Marquis himself was the Lord-Lieutenant under whose auspices the Bill was introduced into Parliament. The noble Lord who was the Chief Secretary to his Government was the Member of Parliament who introduced the measure in the other House. Its chief object was, that all the appointments which had theretofore been made by the magistrates in Ireland should in future be made by the Lord-Lieutenant; and the understanding which was come to on that occasion, and the only understanding which was ever come to, was that the appointment of the police constables and sub-constables theretofore made by the magistrates should be made by the Inspector-General. It was stated that it was desirable that he who was to command and to regulate the conduct of the men should nominate them; and, accordingly, the Inspector-General was to select the policemen in Ireland. He does it, as I understand from the examinations before the Committee, at the recommendation of certain magistrates and others in the county. They are required to have certain qualifications; but the understanding seems to have been that he was to have the original appointment, and that he was to make those appointments which had before been made by the magistrates and constables. If your Lordships will look at the records of the discussions in Parliament on this subject, you will see it particu-

larly stated that it was deemed desirable by Ministers that the appointments in the constabulary force in Ireland should be regulated on the plan on which the metropolitan police force is regulated. Now, my Lords, how is that force regulated? The officers at the head of that force nominate all the inferior classes, and make the usual promotion of the officers of the force; but did anybody ever hear of the higher officers—of the superintendents and inspectors, such as Captain Mayne—being appointed by the chief officers of the force? No, my Lords, they are appointed by the Secretary of State, and that is the very description of appointment to which this gentleman has been named. But let us see how the noble Lord himself, who talks of this understanding, executes his office on this undertaking. Read the account of Colonel Shaw Kennedy's evidence on the very matter of these appointments. This Act of Parliament gives certain appointments of inspectors, paymasters, and others to the Lord-Lieutenant. Did the noble Lord appoint the persons recommended by Colonel Shaw Kennedy to these offices? I ask him if he did.

The Marquis of NORMANBY: Yes, except in one instance, and in respect of the appointment of stipendiary magistrates.

THE DUKE OF WELLINGTON:

No, no, I am not talking of stipendiary magistrates—I am talking of promotions to be paymaster, deputy-inspector, and other officers of that description recommended by Colonel Shaw Kennedy. The noble Lord did not appoint the persons so recommended. What, then, becomes of the understanding? I say, no such understanding existed; and if it did, I want to know what became of it, seeing the noble Lord's own acts—he himself having been the person under whose auspices the Bill was brought in, being the first person to carry the Act into execution? But, my Lords, I will go a little further. Is there any understanding that all appointments and promotions of officers are to be upon the recommendation of the Inspector-General? Why, the very first arrangement made after the appointment of Colonel M'Gregor was, that the office of head constable—that, above all others, desirable to the police sub-constables and constables—was limited, if not taken away from him; he is to recommend one person every three vacancies, while the other

two are to be appointed by the Lord-Lieutenant. What, then, becomes of the understanding? There is an understanding which proposes that the Inspector-General should hold out anticipations to every man in the corps that he will be promoted, and may arrive at the highest ranks. There is an understanding, says the noble Marquis, purposely for that object. What becomes of it? Why, that two-thirds of these promotions are taken into the hands of the Lord-Lieutenant, and become part of his patronage. One-third is in the hands of the Inspector-General, which he is required to give to the most deserving men. That is the mode of acting on this understanding. But I deny the understanding. I say the Lord-Lieutenant has the right, if he choose, to make all these appointments. All I desire is that I may not be called upon, by consenting to this motion, to criminate the Lord-Lieutenant, wholly on the ground of an understanding which does not exist, and never did exist, in the way stated by the noble Lord, and which, even according to the terms on which it is stated to have existed, has been violated by the noble Lord himself and his successor. The noble Marquis admits the Lord-Lieutenant has a right to make this appointment; there is not a word to be said against the gentleman who has been appointed; and therefore you cannot call upon the Government to give an account of the recommendation without interfering with the legitimate functions of Government; nor can you enter into such a comparison as was made by the noble Marquis between this gentleman's merits and those of Mr. Brownrigg. I have no doubt the latter is a highly deserving gentleman; but I maintain that this House has no right to enter into that comparison if there is no complaint against the gentleman who has been appointed; and, moreover, it is contrary to the usages of this House to enter into such comparison. My Lords, I will not quote from the books before me to prove what I have stated; but I think I have sufficiently shown that there was no such understanding as that alleged by the noble Marquis; that the noble Marquis's own practice was totally contrary to it, as well as that of the noble Lord who succeeded him; and therefore that there is no ground whatever for the motion. Upon these grounds I entreat your Lordships to negative the first motion of the noble Marquis. With respect to the second, I confess I do feel it extraordinary that the noble Marquis should have thought

proper to have founded such a motion in this House upon a speech made by a Member of Parliament to his constituents at his election. That speech never attracted my notice. I had no notion it was to be the ground on which the noble Lord meant to call for these returns, else I should have taken care to inform myself of the particular grounds that existed for the notions entertained by my right honorable friend when he made that speech. But it appears that my right honorable friend in that speech adverted to the state of Ireland at the period at which Her Majesty appointed her present servants. Does the noble Lord mean to say that there was any want of meetings in 1840 and 1841? If he does, I shall be able to show him that there were plenty. I think I can show him a list of not less than a dozen in each of these years. Were there no speeches at those monster meetings? No speeches by foreigners? No foreigner attending those monster meetings, the law supposing them to be for the purpose of considering petitions, while the word petition was never mentioned by any accident at any one of them, but much declamation against the constituted authorities of the country? Foreigners present—money collected in foreign countries to promote the objects of those meetings? And yet we are to be told that the country was in a state of tranquillity, and a member addressing his constituents at an election is not to say that in the years 1840 and 1841 that country was not in a state of tranquillity. My Lords, let us call things by their right names. I must say that, if the state of Ireland in the years 1840 and 1841 is to be called tranquillity, I do not know exactly what tranquillity is. With respect to the returns asked for, I have not the least objection to give them. But I should like to amend the noble Lord's motion by calling for other returns, showing what was the number of troops sent away from Ireland in the same years as those to which his returns refer. Perhaps the best way of amending the motion would be to have those troops in Ireland on the 1st January, and the number subsequently sent elsewhere. I think the noble Marquis will find the number sent away nearly equals those retained. It is hardly necessary for me to remind your Lordships that neither in this country nor in Ireland are any forces kept up but such as are absolutely and essentially necessary to recruit the force employed abroad to guard the foreign possessions of England, and protect the lives and property of Her

Majesty's subjects in her colonial possessions. The other regiments remain here no longer a time than is necessary to recruit and re-equip them; and at this moment there are some about to be sent from this country which have not remained in England during the period which it is admitted they should remain. In these returns the noble Lord will find nothing to criminate the Government or the Secretary at War, or any person connected with the army, with respect to the tranquillity of Ireland, or to falsify the description given by my right honorable friend in his speech on the occasion alluded to. As the noble Lord has thought proper to make two motions, I can only say that to the second (a return of the number of the army in Ireland on the 1st of January in each year from 1835 to 1845) I have no objection, but that I hope your Lordships will give a negative to the first.

First motion negatived by 32 to 12.
Second motion agreed to.

May 2, 1845.

ST. ASAPH AND BANGOR AND MANCHESTER DIOCESES BILL.

The Earl of Powis moved the second reading of a Bill to prevent the union of the sees of St. Asaph and Bangor, and for the appointment of a Bishop of Manchester.

THE DUKE OF WELLINGTON said:

My Lords, I am concerned to be under the necessity of again claiming your Lordships' attention for a few minutes, whilst I submit to your Lordships my reasons for thinking that it is desirable for your Lordships not to give a second reading to the Bill proposed to you by my noble friend. Adverting to what my noble friend has stated at the commencement of his address to your Lordships respecting the petitions presented by himself and other noble Lords against the union of the two sees of St. Asaph and Bangor, I cannot but express my admiration of the conduct of those persons; my sense of their attachment to their Prelates, who have so long instructed them; my admiration for those right reverend Prelates, who have merited and obtained the admiration of the people placed under their charge; and my satisfaction at

seeing such an example of attachment as has been demonstrated upon this occasion. But I beg your Lordships not to be under any mistake as to these petitions—I allude to the petitions which have reached your Lordships' House from the dioceses of St. Asaph and Bangor. I have taken the trouble of looking at those petitions; those presented this evening I have not had an opportunity of looking at; but of the others, I find that, out of the 312 petitions which have been presented, not one-third, not above 100, have come from places in the dioceses of St. Asaph and Bangor; the others have come from all parts of England, from the clergy, and, as my noble friend has stated, from others in all parts of England. My Lords, I will make some observations presently on these petitions, and the difficulties they have thrown in your Lordships' way; but that to which I wish now to draw your Lordships' attention is the particular provisions of this Bill, and the measure which this Bill is intended to put an end to. My Lords, this Bill is intended—neither more nor less—to produce the same effect as the two Bills introduced in former Sessions by my noble friend. It is intended to repeal the Act of 5th and 6th William IV., which Act was introduced to carry into effect the recommendations of the Ecclesiastical Commissioners. Now, my Lords, I wish your Lordships to recollect the object for which those Ecclesiastical Commissioners were appointed. It was desired to remove from the Church many anomalies; to render the exercise of its duties more efficient and more general; to extend them over parts of the country in which they were not so available as might have been wished; to render the Church an object of attachment and of affection to all parts of the country, and particularly to certain populous districts which did not enjoy the full benefit of the ministry of the Church, and over which it was desirable to extend the benefit of the superintendence of a diocesan; to revive the system by which the diocesans were paid; and, in short, to review the whole system with the view to amendment and to such improvement as would render it more effective and more useful. Every one must admit that this was an object of essential importance, and that it was desirable to attain it through the means already possessed by and at the disposal of the Church itself. In the year 1835 my right honorable friend, at present First Lord of the Treasury, being then in the same situation, recommended to his late Majesty, with the knowledge of the heads of the Church, and

with their full consent, a Commission to examine all these points, to report upon them, and to recommend such measures as should attain the object they all had in view of rendering the Church more efficient, and a greater object of attachment to the people at large, than it was at that moment. My Lords, these reports were made, certain recommendations were given in, and it was well known at that time that the arrangements proposed must be attended with a great sacrifice of patronage, by the discontinuance of some offices in the Church, and by the diminution of the remuneration given to some other offices; at the same time, all having the same object in view—of increasing the efficiency of the Church, and of making it the object of attachment to the people—assented to the proposals. My Lords, not only were these sacrifices known, but they were actually carried into execution at the time. Great sacrifice of patronage was made not only by the Minister of the day and by the Crown, but also by the right reverend Prelates now on the Bench near me. The Crown, the Minister, and the authorities of the Church were perfectly ready to carry these measures into effect; and this was not done by one Government, or by one side of the House or the other:—noble Lords opposite entertained the same opinion, and acted on the same views. Every sacrifice of patronage was made by them, and by the right reverend Prelates, to carry into operation these measures; but although they made these sacrifices, they made them to obtain one single object—that object being to render the Church more efficient, and deservedly the object of attachment to the people of this country. But, my Lords, though this was the object—and undoubtedly a great object it was—and in the attainment of which both the great parties into which the State has been divided for a number of years cordially concurred, yet it cannot be denied that many persons out of doors did not look upon the attainment of that object, or the means by which it was to be attained, with the same degree of favor. Some thought it might be desirable to establish additional dioceses, and to make other arrangements in the Church, but that the public ought to incur this additional expense. I believe, however, that the feeling on both sides of the House was then, and is now, that it was desirable to attain these objects—that these changes should be made—but it was considered most advisable by those who were intrusted with the carrying out of these measures, that it should be done through the means which the

Church possessed within itself. Now, my Lords, to return to the subject of the petitions: in the great majority of the petitions which my noble friend has mentioned, these feelings are still maintained; but it is made a subject of complaint that the temporal interests of many individuals have not been fairly consulted in their arrangements. No one, my Lords, feels more strongly than I do the propriety of making a handsome provision for the Church, and for the temporal affairs of the Church. I feel that it is one of the greatest advantages this country possesses that men of education and of attainments should be the men who fill the highest offices of the Church; and I hope that we may long enjoy those advantages. Not only do we associate with them in our private capacities, but in all the public objects of life; in the Council of State we meet them; in this place we meet them, and elsewhere; we know them to be proper and fit persons of the highest education and attainments; and it is impossible to expect that the public can enjoy the services of such men, unless their temporal advancement is taken care of, and unless their services are remunerated as the services of all public men in this country ought to be. I am aware that many think differently, but that is the feeling of a great majority—of two-thirds of the persons who have presented the petitions to which my noble friend has adverted this evening. But, my Lords, the question comes to this—whether we shall now go back, having adopted these arrangements, and having carried them so far as to have passed the Act of the 5th and 6th of William IV. without any opposition here—an Act which was supported on the very ground, and by both sides of the House, of the necessity of a relief being afforded to the Church, and of a revision of the establishment of the Church being to be made by means in the possession of the Church at that moment? If I recollect right, there was no discussion in this House—I am sure there was no division—on the Act of the 5th and 6th of William IV.; and there was, I believe, no opposition, and certainly no division of any importance, on the other Act respecting the ecclesiastical appointments; and there was no discussion till two years ago, when my noble friend brought forward his Bill to repeal that part of the Act which relates to the union of the sees of St. Asaph and Bangor. My Lords, that union was certainly the foundation of a principal part of the system relating to the dioceses, that is to say, the dioceses of Manchester and Llandaff; and it appears to me

that your Lordships will hardly be able to maintain the other parts of the system if you adopt the plan of repealing that part of the Act of the 5th and 6th of William IV. Indeed, my Lords, it would suspend immediately the operation of the Act, if my noble friend's intention be carried, of withdrawing from the system proposed by the Ecclesiastical Commissioners, and already commenced. Therefore I call upon your Lordships at once to step forward, and to say you won't do that; and if you will attend to me a few moments I will show that the dioceses of St. Asaph and Bangor have no reason to complain of the whole arrangement. My noble friend has adverted in the course of his address to-night to the early part of the first Report, upon which my noble and learned friend on the Woolsack means to make some motion to your Lordships to-night. My noble friend says that the first Report contained an engagement that the impropriate tithes forming part of the revenue of the sees of Bangor and St. Asaph should be devoted to the increase of small livings there. Now, I will not go so far as to say that the subject was not contemplated; and although there was no engagement, the Report did that which no public document ought to do—it did mention what was passing in the minds of those who signed the Report. Then my noble friend says this was a secret engagement, and that as we have broken it we ought to put him in the same situation in which he and others were before they entered into it. But, my Lords, begging my noble friend's pardon, nothing has been yet carried into execution. The impropriate tithes are still in the enjoyment of the old holders, and I hope they may be long enjoyed by them; and till that event occurs, that engagement to which my noble friend refers cannot be broken. I know not if my noble friend has looked into the Reports, but if he has he will have found a tabular statement of the small livings in want of assistance; and I think he will find large sums placed under the head of these two dioceses of St. Asaph and Bangor. I do not say that the funds are now in a state to give that amount; but my noble friend says that a sum has already been given out of the common fund to augment these small livings, to which the diocese of Bangor has not contributed one shilling, notwithstanding the poor curacies in that diocese have enjoyed an augmentation by direction of these very Commissioners—they have in fact already benefited to the extent of 500*l.* or 600*l.* a-year out of the Church funds. This will show, my

Lords, that there did exist an intention on the part of the Commissioners to provide for the poorer livings in the dioceses of St. Asaph and Bangor out of the common fund, and that not upon the footing that my noble friend has stated, but on the same scale and in as fair a proportion as the poor livings in other dioceses. I now come, my Lords, to the consideration of what the sacrifice is which St. Asaph and Bangor will be called upon to make when the measure by which those two sees are joined comes to be carried into full effect. That measure, my Lords, I need not remind you, has not yet been carried into execution, and I heartily hope the day is very far distant at which its accomplishment will take place; but in the mean time let us see what will be the sacrifice which the clergy and people of those two dioceses will have to sustain; and let us on the other hand examine what they will gain by the junction of the two sees, and place that in comparison with the inconveniences which will be felt. The sacrifice, my Lords, as the papers on your Lordships' Table, to which I have already referred, show, will amount in a pecuniary point of view to the sum of 4700*l.*, which will be contributed by the diocese of Bangor to the diocesan fund. On the other hand, the dioceses of St. Asaph and Bangor will acquire immediately the advantage arising from the funds of the sinecure rectories, as they are called, amounting to 3900*l.* Now, observe, my Lords, this advantage which these sees will immediately acquire is derived by them in consequence of a part of the system which is not touched upon in the Act of 5 and 6 of William IV., but which results from the Act of 3 and 4 of Victoria. It is intended that these sinecure rectories shall be reformed throughout the whole of England and Wales, and that their revenues shall be applied to the purposes of improving the parochial services of those dioceses wherein they exist. Nay, the Act, my Lords, goes further even than this; for there is one clause of it by which the Ecclesiastical Commissioners are able to dispense with awaiting for the decease of the incumbent, and are endowed with power to purchase the advowson at once. But, at all events, at the expiration of the existing tenures, the revenues of these sinecure rectories are to be applied as I have stated. Now, I do think, my Lords, that my noble friend must admit this amount to be a set-off against the sum of 4700*l.* which the sees of St. Asaph and Bangor will sacrifice eventually to the diocesan fund; and, mind you, this is an advantage arising out of that very

system which is carried into effect in conformity with, and in consequence of, the Reports embodied in those volumes lying on your Lordships' Table. I beg your Lordships will bear this in mind, that the object of the noble Earl's motion is to shake the foundation of these Reports, by which all the advantages pointed out by me have been gained. I now, my Lords, approach another branch of this question, namely, the consideration of the deaneries and chapters and the archdeaconries, which are to be established in these two dioceses, when they are hereafter united into one. In each of these dioceses there will hereafter be constituted a dean and a chapter of four canons. My noble friend has made it a matter of complaint that there are no estates out of the proceeds of which these deans and chapters can be supported. But an ample provision will be made for them when the two dioceses come to be united. In the mean time their salaries will, I think, be only from 700*l.* to 750*l.* for the deans, and 350*l.* for the canons. But I beg your Lordships to observe, that, although the deans and chapters of the two dioceses of St. Asaph and Bangor will be placed under different circumstances to those of other similar bodies, inasmuch as they will have no estates upon the revenues of which they may be supported, they will, nevertheless, be provided for more amply at the extinction of the bishopric, by receiving an allowance out of the diocesan fund—the deans of 1000*l.*, and the chapters of 500*l.* or 600*l.* a-year. In some of the Welch dioceses there are estates for the support of the deans and chapters; but in others there are no means of providing for them, except by their holding parish livings *in commendam*. This of course will be taken into account, and the surplus will either go into the common fund, or the diocesan fund; but in the mean time I have shown your Lordships that here are actual charges on the ecclesiastical funds in favor of the dioceses of St. Asaph and Bangor amounting to more than 5000*l.*, whilst the whole prospective amount that will hereafter be derived from that source to the diocesan fund, after the extinction of the bishopric, will be only 4750*l.* Now, my Lords,—considering that the dioceses of St. Asaph and Bangor will gain, by the changes that are to be hereafter made, a dean and chapter each; that they will also gain very considerably in the improvement of their parochial services, to the full amount of the suppressed sinecure rectories; that they will be placed on an equal footing with all the other parishes in

England and Wales, in respect to the division that will be made of the common funds at the disposition of the Ecclesiastical Commissioners for the augmentation of small livings,—I say, my Lords, considering all these things, no man can say that these two dioceses are not handsomely provided for. I now, my Lords, approach the consideration of that part of the question which relates to the inconveniences to be apprehended from the loss or suppression of these two bishoprics, and the substitution of only one in their place. I do not mean, my Lords, to say that there may not result some inconvenience when this measure takes place; but in my opinion this evil will be in a great degree obviated or remedied by the appointment of three archdeacons in addition to the deans and chapters, for whom provision is made, whose duty it will be to aid the bishop in the supervision of the diocese. This duty will, according to my apprehension, my Lords, be very sufficiently provided for by the creation of two deans, four canons, and three archdeacons. The diocese, when it shall hereafter become united, will not exceed in extent many of the other dioceses in England. The number of livings will not be so great as it is in many, and there are only four dioceses which will be smaller than that formed by the junction of these two. There has been some difficulty apprehended with respect to the means which exist of travelling from one part of the diocese to another; but it appears to me that this part of the country will soon present the same facilities in this respect that exist in other districts of England; and, as a greater number of persons will hereafter be employed in the task of supervising the ecclesiastical affairs of the diocese, I have no reason to apprehend that there will exist in future any just grounds for complaint on this head. Having now gone through the different grounds upon which I have deemed it to be right to maintain the decision to which Parliament came upon this subject, I trust, my Lords, you will not now afford any ground to the country for entertaining the belief that you are prepared to depart from the course which was recommended and agreed to by the leading men in this country, when the subject of the Church was taken into consideration by them—men, my Lords, I am bound to observe, of all parties and of every shade of political opinion. I have answered, to the best of my ability, the leading topics of my noble friend's argument in favor of his proposal, and I now hope you will be of opinion with me when I move, which I now do, as

an Amendment on the noble Lord's Motion, that this Bill be read a second time this day six months.

Bill rejected by 129 to 97.

June 2, 1845.

MAYNOOTH COLLEGE (IRELAND) BILL.

The order of the day for the second reading of the Maynooth College (Ireland) Bill having been read,

THE DUKE OF WELLINGTON said:

My Lords, it now becomes my duty to solicit your Lordships' attention for a short time, while I state to your Lordships the principles of this measure, and the nature of the provisions which are submitted for your Lordships' consideration in this Bill, in order to carry into execution its object, namely, the maintenance of this institution of Maynooth. My Lords, this institution was founded fifty years ago by the Irish Parliament, and this Bill contains a recital of the provisions of the Act by which it was originally founded, and by which it was afterwards regulated, first in the year 1800, and subsequently in the year 1808. My Lords, it cannot be denied, and I do not stand here to deny it, that those Acts are inconsistent with the enactments of the code of laws by which the Reformation was established in this country and in Ireland; but, my Lords, though they are inconsistent with the enactments of that code of laws, I deny that there is, and I think I shall be able to show to your Lordships that there is not, anything inconsistent in those Acts with the religious principles established at the Reformation; that it was never so considered at any time, at the period of the enactment of those laws fifty years ago, or at any subsequent period, either in the year 1800 or in the year 1808, and that it cannot be so considered at the present moment. My Lords, in order clearly to understand the principle on which these laws were founded, it is necessary that I should call your attention to the state of affairs at that period at which they were enacted, and your Lordships will then perceive that the necessity for this institution was occasioned by the failure of the laws enacted for establishing the Reformation in Ireland. My Lords, those laws, the enactments of those laws, had been resisted in Ireland from the period when the Legislature had first passed them and they

had become the law of the land. Plot had succeeded plot, rebellion had succeeded rebellion, and the forfeiture of property had succeeded the forfeiture of property, until at length the country had become the seat of the operations of a foreign and civil war in a contest for the possession of the Throne. Then the penal laws—

The Duke of NEWCASTLE: My Lords, I rise to order. I beg to apologize to the noble Duke and to the House for interrupting him, but as a preliminary to this discussion I think it right to put this question to the noble Duke, whether he has the Queen's permission to make this proposition to the House? [Cries of 'Hear,' and 'Order.']

Lord BROUGHAM: That is not to order. The noble Duke is not speaking to order, but, on the contrary, this is one of the most disorderly proceedings I ever witnessed in the whole course of my experience. The question of the noble Duke is one that should have been put, not as an interruption to, but after, the noble Duke's speech.

The Duke of NEWCASTLE: I wish to put the question, as it affects the Act of Succession, as it affects the nation, and as it affects individuals. ['Order, order!']

Lord BROUGHAM: My Lords, I rise to order. I will not sit here and allow any man to deny that we have a right to enter into, to continue, and to close any discussion of any nature. The leave of the Crown is required in one case only, but may be given at any period of the discussion, and that is on a measure affecting the revenues or the patrimonial interests of the Crown.

The Duke of NEWCASTLE was understood to say that he had previously asked the question, and had not received an answer, and he had now interrupted what he must say he thought a most improper discussion.

THE DUKE OF WELLINGTON:

It must have been my infirmity that prevented my observing the noble Duke's question. If I had heard him, I should not have objected to answer any question he might think proper to put to me, though put in a disorderly manner, in respect to the course of proceeding in this House; but I did not hear the question, and whether it was that the noble Duke did not express himself clearly, or my infirmity prevented my hearing him, I do not know; but if it be your Lordships' wish that I should do so, I will now proceed. My Lords, I was stating to your Lordships, when the interruption took place, the causes of the measure of which recital is made in the Bill before you—I mean the Act of the Irish Parliament of 1795, which was occasioned, as I stated, by the failure of the laws that had been passed for establishing the Reformation in Ireland; and that after a long period of successive plots, rebellion, and forfeiture of property, a contest had

ensued, and a civil contest, assisted by foreign forces, had been carried on in Ireland for the possession of the Crown. That contest had been succeeded by those Acts of Parliament usually known as the Penal Code, but which, my Lords, were enacted for the purpose of supporting the Sovereign on the Throne, and supporting and protecting the reformed religion of the Church of England, as introduced into Ireland by the code of laws to which I have adverted. My Lords, from the period of the introduction of that code down to the year 1795, during which, as I have said, the Reformation could not be carried into effect in Ireland, the ecclesiastics for the service of the Roman Catholic mission had been educated—whether natives of the dominions of the Sovereign of this country or foreigners—had been always educated in seminaries in foreign countries. But, although this was the case, there were never wanting ecclesiastics for the performance of the duties of the Roman Catholic mission in that country. In the mean time, during the reign of the late King George III., the penal laws had been repealed, the last of them in the year 1793, two years before the subject of the establishment of this institution was taken into consideration. My Lords, at that period the war with the French republic had already commenced; the arms of that republic had already conquered the Low Countries, and spread into the Catholic countries on the left bank of the Rhine, had overrun parts of Germany and Italy, and were established on the frontiers of the Pyrenees. In the several provinces of France which had taken part in the Revolution, the religious establishments had been put down; but still I believe it would have been possible to have found the means of obtaining education for ecclesiastics of the Roman Catholic persuasion, for the purpose of serving the Roman Catholic mission in the kingdom of Ireland. But, my Lords, the Ministers of that day, and those whom they consulted in Ireland, did not think it expedient, considering the state in which the Continent was—considering also another circumstance, that within the last fifteen years the power of the Parliament of Ireland had been increased so far that it had become almost an imperial and independent Parliament—considering also the extent of popular power which had been introduced into the constituency of that Parliament, by the repeal of the Acts to which I have adverted, and in the year 1793 of the last Act of the Penal Code—considering how much the power of the native population had been augmented

over that Parliament in consequence of that repeal—I say the Government of that day on both sides of the water, in England as well as in Ireland, considered it their duty to endeavor to discover the means of establishing a native education for Roman Catholic ecclesiastics in Ireland, rather than trust any longer to the foreign education which they had received up to that period of time, and which there is no doubt they might have continued to receive after the period to which I have referred, viz., the year 1795. But, my Lords, they wisely, as I conceive, considered it desirable to keep foreign influence at a distance from the domestic concerns of that country, and accordingly they made the arrangement which is recited in this Bill, being the Act of 1795. My Lords, that arrangement was suggested by two successive Lords-Lieutenant, each of them of political opinions differing from the other. The late Earl Fitzwilliam was one;—he it was who first suggested the measure; and the late Marquis of Camden was the other; and it appears that the measure was suggested to the Marquis of Camden in Ireland by men whose names will, I think, when I mention them to your Lordships, and you recollect the character they bore when alive, be an assurance to you that there could be, in their opinions, nothing in the institution thus proposed detrimental to the religious establishments of the country. They were the Lord Chancellor Fitzgibbon, the Archbishop of Cashel, the Earl of Shannon, Lord Cathcart, the Chief Justice of the Common Pleas, Chief Baron Yelverton, Mr. Speaker Foster, Mr. Wolf, the Attorney-General, who was afterwards Chief Justice of the King's Bench, and Lord Kilwarden, who was afterwards murdered in the streets of Dublin, in 1803, during the insurrection that occurred then. The measure was recommended to Lord Camden by all these influential and distinguished individuals. It was by him sent over to England, and referred to the consideration of a most respectable and highly respected nobleman, the late Duke of Portland, who was then Secretary of State; and he, it appears, consulted the opinion of the Archbishop of Canterbury, Dr. Moore, before he took the pleasure of his Sovereign upon it, and then returned it to Ireland with the approbation of his late Majesty George III. Now, my Lords, I say there never was a measure of which the history affords such strong security that it could not have been considered at all injurious to the religious opinions or establishments of this

country. My Lords, the measure went back to Ireland with the approbation of the Government of this country, Mr. Pitt being at that time at its head; and it was then carried in a Parliament elected exclusively, as I must beg your Lordships to observe, by Protestants; and it was at that time never supposed that it could be deemed—it was never hinted even that it could be deemed—a measure dangerous in any degree to the religious establishments or the religious opinions of this country. My Lords, I have stated who were the men by whom this measure was carried, and I may here add to their number the name of the late Lord Chichester, then Lord Pelham, who was at that period Chief Secretary of the Government for Ireland; and I must say that, in the list of men whose names I have given, there is sufficient security that, at least in their opinion, and in that of the public at that time, it was a measure of which no suspicion could be entertained. My Lords, I have thought it necessary, before going further, to call your Lordships' attention to this part of the subject; because I consider, from the petitions which have been laid on the table, and from what I hear passing in public, that the principal objection to this Bill is the danger which is supposed to be likely to result from it to the Protestant Church Establishment. My Lords, if that is the objection, I say the danger is altogether delusory, and your Lordships may pass the measure with perfect confidence. But, my Lords, there is one circumstance to which I must beg your attention, because I think it is most important that this measure should be correctly understood; and that circumstance is, that this measure came to be taken into consideration, both in this and in the other House of Parliament, before the period of the Union, at the moment, in fact, when the Articles of that Union were under consideration. And I will here offer a few words upon the 7th of those Articles, which shows clearly to your Lordships that this and the other House of Parliament had entire confidence in the measure previous to the Union. These are the words of the 7th Article:—

'That a sum not less than the sum which has been granted by the Parliament of Ireland, on the average of six years immediately preceding the 1st day of January in the year 1800, in premiums for the internal encouragement of agriculture or manufactures, or for the maintaining institutions for pious and charitable purposes, shall be applied, for the period of twenty years after the Union, to such local purposes in Ireland, in such manner as the Parliament of the United Kingdom shall direct.'

Did any one ever hear a word in this or the other House of Parliament against this measure at the time? No, my Lords. No, not one word. This measure was, my Lords, discussed in Parliament after the Union. It was discussed in the year 1808. There was, then, a difference of opinion between parties as to the amount of the grant which ought to be made for the support of this institution—that was the subject of discussion during different succeeding Sessions; but then, my Lords, the objection was made to the increase of the grant, and there was not one word on the religious principle; there was not one word of danger to our religious establishments resulting from this grant. It was thought that the grant was a large grant—that it was too much, and the large grant was objected to; but never was the grant objected to on the score of religious principle. Therefore I do say, that the religious principle was considered safe at the time. It has, my Lords, been safe ever since, and it is safe at this moment. I come, then, my Lords, to call upon you to consider the expediency of continuing this institution. There can be no doubt of the absolute necessity of finding some means of educating the Roman Catholic priests for the service of the Roman Catholic mission in Ireland. It was stated at the time this institution was founded, that the population of Ireland was 3,000,000. It has advanced to the amount of 8,175,000—it was so in the year 1841, and probably it is now 8,500,000; and of that number about the seven-eighths are to be considered as Roman Catholics; and there can be no doubt whatsoever, whatever the numbers may be, that a very large proportion of the people in Ireland are Roman Catholics—that we cannot avoid their being Roman Catholics—and that we must find the means of providing them with ecclesiastics capable of administering to them the rites of the Roman Catholic Church—that we must have these ecclesiastics educated at home, or we must consent to and encourage the sending them abroad. It is very true, my Lords, that this country is not now in the situation in which it was in the year 1795, and in which it continued to be for a very considerable period of time; but I do say, that I do not believe, notwithstanding we are at peace with the whole world, and I trust we shall so continue, yet, my Lords, I do not believe that it is desirable that we should establish such a communication between those countries and that part of Her Majesty's dominions, as to send to foreign countries to be educated

priests who are to administer the rites of the Roman Catholic Church in Ireland. I beg to recall your Lordships' recollection to the events of the last few years. You have, my Lords, seen disturbances in Ireland which created considerable danger and alarm —you have seen disturbances having for their object the obtainment, by tumult and threats, of the Repeal of the Union between this country and Ireland. You have seen the interest which these transactions excited in foreign countries. You have seen foreigners flocking to Ireland, in order that they might attend at those tumultuous meetings. You have seen and heard, too, of subscriptions for promoting the object of these tumultuous assemblies. You have seen publications in foreign countries, and the interest felt in general in the transactions in Ireland relative to those supporting the question of a Repeal of the Union. Can you, my Lords, then think, under these circumstances, that it is desirable that you should depend for the education of ecclesiastics who are to administer the rites of the Roman Catholic religion in Ireland —can you think it desirable that they should resort for their education to these foreign countries? I do not, my Lords, say that the Governments of any of these foreign countries had any relation with any of the persons who manifested an interest in these illegal transactions. No, my Lords, I do not imagine any such thing— I insinuate no such thing. I am convinced, my Lords, of the contrary; but I know the facility with which any Government can take up and employ instruments, when once they commence to implicate themselves in such transactions. I warn you, my Lords, against the possibility of its being supposed safe that you should leave the education of ecclesiastics for Ireland to foreign countries, under the existing circumstances of the country. But is there only this objection as to sending them abroad who are to be educated as ecclesiastics? I beg of your Lordships to look to the state of religion in all those foreign countries—in all those countries in which education must be sought for these ecclesiastics. Look at it, my Lords, in Germany; look at it in the Netherlands; look at it in France—look where you will, you can see the state of differences existing on the subject: and then I will ask you whether you think it would be desirable that we should receive ecclesiastics in Ireland from those countries, in order to give, in addition to the religious differences now existing, the differences which are to be found established in those countries? No, my

Lords; and we now come forward to recommend to you to continue this institution, to continue a domestic education in this country of those ecclesiastics whose services are necessary in order to administer the rites of the Roman Catholic religion to so many of Her Majesty's subjects as profess that religion. In bringing, then, this subject under your Lordships' consideration, and having shown you that there was nothing in this institution inconsistent with principle, and that it is at present as necessary as it was in 1795, I now beg leave to submit to you the proposition, that it is absolutely impossible to maintain it as it is. I laid papers upon your Lordships' table three days ago, representing the state of this institution, and which were submitted to Her Majesty's Government in the month of September last. I quite agree with what a noble Viscount said a few nights ago, that the institution as it is is not sufficient for the demand of educating the persons who are in it. The paper I hold in my hand represents the ruinous state in which the buildings are: it states it is absolutely impossible that it can accommodate its inmates with what is due to common decency of manners and habits—that it can do this for the number of persons who must inhabit it—that it can afford facilities for study, or instruction, or space for carrying on the common business of such an institution—that the professors and others employed in the instruction of the students have most inadequate accommodation, and are rewarded in a very inadequate manner—that, in fact, the professors of science, of literature, and theology, are not paid higher salaries than are given to a common clerk. It states also, that in order to economise, to render it possible to continue the institution at all upon the sum granted by Parliament, it was necessary to send, not only the students but the very servants of the institution, those whose presence was necessary for the maintenance of order and cleanliness, to send them away during the vacation; and after all this, that the whole establishment has fallen into the most ruinous state. My Lords, however necessary it may be that this institution should be maintained for the purpose of affording education to the ecclesiastics, to the number necessary for performing the duties of religion in Ireland—for in fact we know there are Roman Catholics there, and that they must have ecclesiastics to perform the duties of the mission—however necessary these may be to this institution, still it is not equal to that purpose in its present state; and therefore

it is that Her Majesty's Government have thought it proper, considering the nature of this institution, and the necessity of continuing it—considering, my Lords, that it is an institution formed by this great country, that it ought to be established on the same principles and on the same footing with other institutions, and that it should, on that account, be provided with the means of attaining the object for which it was instituted—that is, the proper education of ecclesiastics to perform the duties of the Roman Catholic mission in Ireland. It is desirable—and in that I agree with what I have often heard from a noble friend behind me—it is desirable to elevate the character of those ecclesiastics. We all know that they must, and that they do, exercise great spiritual influence over the minds of those to whom they act as spiritual guardians; and we know also that they possess great social influence. We should, then, seek to give them the means of being educated in such a manner that they can exercise a social influence most likely to lead to the public benefit and happiness of the country. These young men ought to have, as others have, as soon as they are capable of enjoying them, the common comforts and decencies and conveniences of life, instead of being packed up, three or four in one room, without the conveniences or comforts of life about them. We ought, my Lords, to endeavor to raise them a little, and to give them the comforts that belong to men of their class, and fitted for that situation in life in which they are to be placed. They ought to be instructed in literature and science, as well as in theology. They ought to have the apparatus; they ought to have the books; they ought to have professors to instruct them in all the branches of science necessary for the performance of their important duties, when placed in the situation of ecclesiastics in different districts throughout the country. I am aware, my Lords, of the prejudices against this institution, and against the persons there educated. I have, my Lords, nothing to say on that subject excepting this, that an institution so low as it is represented to be by this paper cannot have answered all the purposes the Irish Parliament intended it to have answered. The object, my Lords, of this measure, which Her Majesty's Government now proposes, is to raise the character of this institution; and that the character of those educated in it should be elevated, with a view to furnish ecclesiastics of the same character and station as those who administer the rites of the Roman Catholic

religion in foreign countries, and for whom all must entertain the highest respect; and that they should be men educated in manners and habits to enable them to exercise a fitting influence over the social habits of the people, to which they ought to be entitled by their fortunes, by their situation, by their education, and by their acquirements. If this measure, then, has the effect of producing such men for the ministry, I say we shall have rendered a service to the public by introducing and recommending this Bill to your Lordships' attention. It is with this view we have introduced the present Bill; and I hope the measure will not be found inconsistent with principle, or likely to injure any religious establishment. I have now to call your Lordships' attention to the details of this Bill, and to show you how much of it is consistent with the enactment that exists, and where it diverges from it, and the reason why it does so. My Lords, I will first touch upon that which I am aware has made some impression, namely, the clause which incorporates the institution. I beg of your Lordships to observe, that in point of fact the original institution was incorporated. By the original Act of Parliament, the Lord Chancellor, the Chief Justice, and others were appointed trustees and visitors of the institution, and were authorised to establish and endow a seminary for the education of the Roman Catholics. The original Bill gave them the power of purchasing land to a certain amount, and gave them the power of making by-laws for the government of the establishment. A subsequent Act, after altering the visitatorial establishment, and the establishment of trustees, gave to the trustees established by that Act additional powers belonging to a corporation, that is, enabling the trustees to sue and be sued by their secretary, which, I believe, is a power given solely to corporations. It was found in a very few years that the institution was not technically a corporation, and was, as such, incapable of managing its affairs. A third Act was then passed, giving it additional powers, and enabling it to purchase property. It was still, however, found that the power given by that Act was not sufficient to enable the trustees to manage their affairs. The further powers to be given to them are in the Bill upon your Lordships' table, and under your consideration; and by this Bill the trustees are to be incorporated, and the property now held transferred to this corporation, and it is to have all the powers of other corporations; and further, a power is to be given to it of

purchasing land or property to the amount of 3000*l.* a year; and considering, my Lords, the greater extent of this institution, and the larger number of persons for whose instruction provision must be made, it does not appear an unreasonable proposition. The next provision is as to the salaries of the president and professors. I have already stated to your Lordships that the salaries given to those persons is really not sufficient for them to perform the duties necessary in the service of the institution. There is not paid to those professors a sum higher than what is paid to clerks —they do not receive more than 112*l.* or 120*l.* a year. That which we now propose is not to bring constantly before Parliament the details of the wants of these persons, but to leave this to the institution itself—to grant it a particular sum, and leave to the institution itself the distribution of it, taking care that each individual should receive the sum allotted to him, and to have that account verified before auditors. It is then proposed to continue to the students of the senior class the exhibitions, which are stated in the Schedule, amounting to 40*l.* a year each, in addition to what is received from the Dunboyne grant, in order to enable them to fit themselves out as they ought to be, to proceed on the ministry to which they are soon likely to be removed. They have already had 700*l.* distributed amongst them, we are now giving them 800*l.* for the same purpose, but we propose to make it 40*l.* each, an even sum. Then it is proposed, with the same view, to give certain exhibitions to 250 students in the three senior classes of the institution. The object of this is to enable those who might be brought into the institution in their youth, and who are not exactly provided with the means of fitting themselves out, when they come to the higher classes, to procure for themselves the comforts and decencies suitable for those who have been educated for, and are about to be employed on the mission. There is but one other item to which I wish to draw your Lordships' attention, and that is the general expense of the commons of the establishment. Your Lordships will see that the whole expense is 28*l.* for each student; for the whole year it comes to 1*s.* 6*d.* a day. I am sure your Lordships will not think that 1*s.* 6*d.* a day, being all the expenditure of a youth on the establishment, can be more than is absolutely necessary. It is true it has been done before for 23*l.* instead of 28*l.*, but in such a manner as to be quite a disgrace to the institution. I do not think, my Lords,

you will consider it an extravagant proposition. The next point, then, to which I have to call your Lordships' attention is as to the payment of the expenses attending the institution from the Consolidated Fund, instead of by an annual vote by Parliament. It is a larger grant, and undoubtedly on a more expensive scale, than the former one; but I think I have shown your Lordships why it cannot be otherwise, if it is to be of any use. Well, then, I beg your Lordships to consider that the education to be afforded at this institution is one which is to last five years—at least five years—that the professors and all concerned in the instruction there must be engaged, and permanently, in the performance of these duties. Surely, then, it cannot be expected from them that you should engage men of ability, of science, of education, of literature, and that they should devote themselves permanently to perform their duties upon the promise of an annual vote of Parliament which is liable to be disputed and withheld every year. I confess, my Lords, that I listened with great pleasure to some remarks made a few weeks ago by a noble Marquis, whose attention had been drawn to the subject by the petitions presented to the House in favor of making the grant a permanent one, stating at the same time that he highly approved of making it permanent, with a view to put an end to perpetually recurring annual discussions on this question. I confess that these remarks of the noble Marquis made a deep impression upon my mind; and I consider nothing more wise and politic than that you should make the grant perpetual, if it were only to put an end to those discussions which are annually recurring on a grant in the maintenance of which the convictions of so many persons are implicated in the one country, and in reference to which there is so much feeling, and perhaps prejudice, manifested in the other. I think it therefore most desirable that your Lordships should pass this Bill, for this, if for no other object – that, by thus making this institution so far permanent, by making the grant chargeable upon the Consolidated Fund, you will thereby avoid the discussions which perpetually arise upon the demand made for the annual grant. I have already said to your Lordships that the grant conferred upon this institution involves no religious principle. It never did involve any such principle, and cannot do so now. I beg leave to remind your Lordships that you have now maintained this institution for fifty years, during twenty years of which time you were

engaged in war. You have maintained it since through long periods of agitation, and during the discussion of many mighty questions affecting the interests of Ireland—during a period when you have had the Roman Catholic Association and other bodies, against whom you have had to make enactments, and during which you have had coercion Bills and other measures of that description. Many of these discussions were put an end to in 1829; but I cannot say that Ireland has since been in a tranquil state. On the very morrow of the day on which the Bill of that year was passed, measures were taken for the purpose of exciting discussion and agitation on the question of a Repeal of the Union. We have had a good deal of tumult and a good deal of difficulty upon that question, and particularly during the three years, up to 1843, events have occurred there which have excited a good deal of anxiety in the minds of some, and a good deal of terror in the minds of others. I have drawn your Lordships' attention to these circumstances, and stated the effects which they produced in foreign countries. Many doubted whether it would be possible to resist the attempt made to carry, by tumult and violence, a Repeal of the Union. My Lords, whatever may be the opinion entertained of the legal effects of the decision of your Lordships' House on the writ of error, delivered in the month of September last, I believe that there is no man in his senses who now doubts that it is absolutely impossible—utterly hopeless—impossible, I say, to carry any measure by violence and tumult in Ireland—to carry any measure against the wishes of the Government and Parliament of this country. I believe no man in his senses now doubts that fact, and that that is the situation in which, on this day, and at this period of time, your Lordships stand in taking this question into consideration. And I now entreat your Lordships to observe, standing as you do at this moment in strength, and without any danger whatever pressing upon you, and knowing, as you do, that the great body, at least the principal part, of the persons concerned in these tumults and acts of violence were of the Roman Catholic religion (although there are many exceptions, for I believe that there are many Roman Catholics who are as much attached to the Union as any of your Lordships)—I beseech your Lordships to take into consideration that you are in this position of strength at the present moment, and to consider whether, having maintained this institution, as you have done for

fifty years, it would not look a little like persecution if you were now to turn round and withdraw your support from it, if you were now to turn round and say, 'We are aware of the necessity of its continuance, but we cannot go on longer affording it the meagre support which we have hitherto given it.' I have already told your Lordships that there is no religious principle involved in this question; but there is a great Christian principle involved in it—the principle of abstaining from persecution; and if you are strong, I say it is your duty not to persecute the weak. It is your duty not even to appear to persecute the weak; and I entreat your Lordships to stand by me in enforcing that principle, and to give your unanimous assent to the Bill, the second reading of which I have now the honor of proposing to your Lordships.

Debate adjourned.

June 16, 1845.

Upon the motion for the third reading of the Maynooth College Bill,

THE DUKE OF WELLINGTON said:

My Lords, I will begin by stating what I did say in a former debate, as my words appear to have been misunderstood. I said then, what I now repeat, that, whatever might be the opinion of your Lordships upon the effect of the legal question decided by this House, I was convinced that the result of the last two years had been that no man in his senses believed now that it was possible to force, by intimidation, tumult, and violence, the Government and Parliament to pass any measure, and particularly a measure for the repeal of the Union,—that is what I said. My Lords, I did not talk of success against agitation. I particularly guarded myself against saying one word about agitation. Nor did I say one word about the legal decision except this, that, whatever might be your Lordships' feelings as to the effect of that legal decision, it was the feeling of the country that no chance existed of any question being carried by tumult, violence, and riot. If the noble Duke (Newcastle) who has misunderstood me is of a different opinion, I congratulate him, as he is the only man in his senses who is of that opinion. I now beg to remind your Lordships that this Bill is submitted to your consideration by Her Majesty's Government, on their responsibility, for the amendment of an Act

of Parliament. I never before heard that an Act introduced by Her Majesty's Ministers to amend an Act of Parliament was an illegal act, and that Her Majesty's Government had been guilty of a breach of the laws in submitting to your Lordships' consideration a Bill for the amendment of an Act of Parliament. Yet this is one of the charges brought against Her Majesty's Government by the noble Duke. Then, my Lords, the noble Duke tells us that this measure—a measure that has been carried by one of the largest majorities that ever appeared in this House—he tells us that this measure is contrary to Her Majesty's coronation oath, and I don't know how many more things. The noble Duke brings other charges against Her Majesty's Government; but I am sure that the noble Duke will, on mature consideration, feel that these charges are entirely without the support of any argument, at least on his part. The noble Duke likewise calls on me to explain the meaning of the Bill. My Lords, by reading the preamble of the Bill you will get at the meaning. The measure is to make provision for the education of those persons who are to instruct the Roman Catholics of Ireland in their religious duties, and to provide their persons with the conveniences and decencies of life. I am ready to state to your Lordships, and to prove, that it is absolutely impossible for your Lordships to leave the question where it now stands: you could not do otherwise than make this provision, or you must repeal the Bill altogether. You must either have repealed the Act altogether, which I do not think any member of this House ever proposed to do—and, if proposed, I am certain that there are not half-a-dozen in this House who could agree to such a proposition,—or you must put the College on a proper footing. Her Majesty's Government, on full consideration of the whole question, conceived it to be their duty to propose the present measure, as being a measure rendered absolutely necessary by the growth of the population for whose spiritual instruction a proper provision ought to be made—I beg the noble Lord's pardon—that is, if the grant is to be continued at all; it is found to be necessary to make due provision, on account of the increase of the population to 8,250,000 from not more than 3,000,000, which was the number when the original Bill passed.

The Duke of NEWCASTLE: The Bill did not go on that.

THE DUKE OF WELLINGTON:

Well, my Lord, in making provision to afford the decencies of life for 500 young men, who are to be the religious instructors of 6,000,000 Roman Catholics, are you to put two or three in a bed? are you to pack three or four in one sleeping-room? No, my Lords, you must provide these young men with the common conveniences and decencies of life if you mean to give them an education which is to render them fit for performing the important duties they are destined to fulfil. Spiritual influence they undoubtedly will exercise over the minds of their flocks, and possibly social influence also. My Lords, I say, if these young men are to have a social influence or a higher influence over the minds of their flocks, you ought to begin to train them by a proper education. You ought to train and educate them in the same way in which we should train young men here who, by their station and rank in life, by their fortunes, and the advantages which attend them, were destined to have influence over the minds of a corresponding class of persons in this country. These young men are not unlikely to become the associates of gentlemen of the class I speak of, and it is my wish to see them worthy of being their associates. This, my Lords, is what I mean by giving them the decencies of life, and which the noble Earl behind me calls making gentlemen of them. My Lords, I know what I mean, and I say what I said before, that I wish this country, in forming this institution—as they are under the necessity of doing so—to form it in a manner becoming a great country. You cannot go back to the way in which this institution was formed fifty years ago; for then the population was only 3,000,000, and now it is 8,000,000. You cannot do that; and, therefore, if you do anything at all, you ought to do it in a manner in which a great country like this ought to form such an institution; and it is impossible that you can do this on cheaper terms than are stated in this Bill. Now, my Lords, I come to another part of the question, which we have heard of from more than one quarter,—I mean the endowment question. My noble and learned friend who spoke at an early period of this discussion (Lord Brougham) stated to your Lordships the real fact about this endowment. The truth is, that the college was endowed by the first Act of Parliament passed in reference to it. The Board of Trustees was formed for the very purpose of endowing the college; and one Act of Parliament,

before a shilling was expended, gave 8000*l.* for the purpose. So much for the question of endowment. This Bill does no more than endow the college. In point of principle the noble and learned Lord allows there is no difference whatever between endowing the college with a small sum or endowing it with a large sum. There is nothing more in the present measure in the way of endowment than already exists, except in the point to which I am now about to advert, namely, that the former endowment was annual. But my noble and learned friend (Lord Brougham) says, where was the Minister who could have ventured to come forward and propose to repeal the Act of 1795, and, therewith, the endowment? When was a Minister found who was even prepared to make such a proposition to Parliament? Great disputes occurred, I admit, in the Parliament of 1798, as to whether the endowment should be 9000*l.* or 13,000*l.*; but did anybody then propose the stoppage of the endowment altogether? No such thing happened; and I say more, on the very subject of numbers, that the Minister of the day—a Minister for whom I have always entertained the highest respect, Mr. Perceval—gave an additional endowment. He increased the endowment to 9000*l.* on account of the increasing numbers it was necessary to educate as spiritual instructors for the Roman Catholics; and, so, my Lords, what my noble and learned friend said is perfectly true, that no Minister has ever been found who had proposed, or who would ever think of proposing, to stop the grant entirely. Certainly, my Lords, within the last year or two certain propositions to this effect have been made by individuals in the other House of Parliament; but, my Lords, no such proposition has been made in this House of late years; and I do agree, my Lords, with the noble Marquis that, on account of the discussions which this question involves, and which have been manifested in the three nights' debate on this measure, and which we should have every year if the grant were to be made an annual one, it is desirable that the grant be no longer annual, but that it be made permanent, as this Bill proposes to make it. This is one reason why the grant should be made a permanent one; and there are other reasons. This education which the young men are to receive is to be for a number of years, and the professors are to have larger salaries. Surely, my Lords, these men, who will be men of learning, whose education must have been costly,—these persons are entitled to have something sufficient in the way of salary for their

labours, and also that they should not feel that they were liable to be turned off year by year; and surely, when you admit young men to such an institution for a number of years, you must or should give them some security that you will go on with that education. Under these circumstances, then, it is absolutely necessary to make a permanent provision for this grant. My Lords, I believe that I have now accounted for the difference between this and the former grant. I have shown that, in point of fact, there is no principle so different in this from the former grant as to induce your Lordships to reject the Bill on that ground. There is another point which I understand has produced some impression on the public mind, and which has been referred to in this House, namely, the corporate capacity which this Bill confers—the erecting this institution into a corporation. My Lords, it is perfectly true, as stated by my noble and learned friend (Lord Brougham) during the last discussion on this subject—and I believe that I also stated it myself—that the first Act of Parliament conferred on this institution some of the powers of a corporation. The second Act of Parliament respecting it conferred other powers of a corporation; but still those powers were not found to be sufficient for the transaction of business, and a third Act, the 48 Geo. III., was passed, in order to give them further powers to enable them to manage their business. These results you may read in the recital of the preamble of this Act, which is an Act proposed as an amendment on the other Acts. The preamble states that, the powers given by former Acts not being found sufficient to enable the trustees to transact their business, to receive donations, to make purchases, and to perform other matters, it had therefore been found expedient to erect them into a corporation, to enable them to perform all these duties. I say, my Lords, Government have been justified by all former Acts of Parliament in giving them this endowment; next, that they were also justified in erecting them into a corporation. Now, my Lords, on this point I wish your Lordships to notice, and more particularly the noble Duke (Newcastle), for he touched on this point, that this is no ecclesiastical corporation, my Lords—it is an eleemosynary collegiate corporation. It is not liable to the visitations of the ordinary. It is visited by the Crown and the officers of the Crown, as appointed by the Act of Parliament. So far, then, it is not true that this is an ecclesiastical, it is an eleemosynary

collegiate corporation—nothing more—to be visited by the Crown and its officers, as appointed under the provisions of the Act of Parliament. The noble and learned Lord opposite (Lord Campbell) will admit this is the correct legal interpretation. Now, my Lords, having said thus much in answer to the noble Duke, and to some observations which have passed during the debate, I wish that I could pass over altogether what the noble and learned Lord (Campbell) said at the commencement of the debate, when he moved the third reading of the Bill. I must say, my Lords, that I do not at all believe that the reason given by that noble and learned Lord for his support to this measure is shared by many noble Lords. I, for one, and certainly the noble Lord near me (Stanley), must distinctly disclaim any intention of making this the forerunner of other measures. It is a measure, my Lords, that stands by itself. The Government mean to consider every measure likely to benefit Ireland in the same spirit as they will consider measures for the benefit of this country. This measure, my Lords, is brought under your consideration in that spirit, but certainly without being intended as the forerunner of other measures, and more particularly as connected with any measure which has reference to endowing the Catholic Church, founded on the dismemberment of the Church of England established in Ireland. I have relied entirely on the answer given by my noble friend (Ellenborough) who followed the noble and learned Lord in that part of the discussion, and was astonished that the noble and learned Lord should have put himself so forward to recommend so strongly that the churches in Ireland should be plundered of their possessions—but that is a military phrase, and I will not use it. I say, my Lords, that the Church in Ireland is not only secured by the most solemn engagements that the possessions of the Church of England should not be taken from it in order to form an endowment for the Roman Catholics; but, my Lords, I beg leave to refer you to the oath in the Act of 1829. That oath I quote as nothing but the enunciation of a principle; and I say that the principle of that oath is clearly the avowed determination to maintain the Protestant Church in Ireland; and I advise the right reverend Prelates to rely on that principle on which this and every Government and even Parliament itself must stand. The principle of all these oaths, from the commencement of the reign of George III. down to the Roman Catholic Relief Bill in 1829—and there is no single

instance of an oath without a clause to that effect—is the preservation and maintenance of the Church of England in Ireland, and the settlement of Protestantism as established by Act of Parliament. My noble friend the President of the Council has told you that the Government has no thought of such measures. We have been asked if we have not voted for such measures before. My Lords, I never voted for such a measure, but I must say that I have heard of such measures being in contemplation. Certainly from the period of the Union down to the present moment assuredly no man can have taken into consideration such a measure as that which I had the honor of proposing to this House, namely, the Catholic Relief Bill, without having taken into consideration that part of the question. But I must say this, that I never heard nor have I been able to discover any solution for the difficulties by which such a measure is surrounded. I say, my Lords, it goes not only to an extent inconsistent with the code by which the reformed religion was established in this country, but it goes to shake the possessions of your universities, your colleges, your schools, and all that appertains to your social state. My Lords, such a measure would alter the whole system of your ecclesiastical policy in this country, founded as it is on the toleration of all sects and all descriptions of religious opinions. My Lords, supposing that you could find the means of providing for the accomplishment of such a measure, which would be next to impossible, unless you were disposed to assent to the proposition of my noble friend behind me (Wicklow), on which I shall say a few words presently—supposing that you could find such means, it does not appear at all clear that those who are the objects of such a proposition would accept what you propose. But my noble friend behind me came forward with a proposition which certainly does appear to me a little extraordinary, and proposed that you should fall back upon a measure of ten years ago, and another, which is nearly of 100 years' standing.

Earl of WICKLOW: I said that I threw that overboard altogether.

THE DUKE OF WELLINGTON:

I am glad of that, because it occurred to me at the time that, if my noble friend proposes to go back 100 years, he will find some very possibly who will propose to go back 200, many 300; and I am afraid he will find his difficulties increase in proportion to the

extent of time to which we should carry back the revision. Really, my Lords, I must say it is trifling with the question to make a proposition which, after all, it would be impossible to carry into effect. I am really ashamed to have troubled the House so long. The argument that the establishment of this institution is inconsistent with the oath of supremacy is singular, as if those who took that oath did more than swear for themselves. I have taken the oath of supremacy, which says that no foreign potentate hath or ought to have any power, pre-eminence, or authority within this realm, and that oath I conceive the Legislature imposes on me personally. But if there be any doubts on this subject, I entreat noble Lords to look at the Act of Parliament by which millions of Her Majesty's subjects are enabled to testify their allegiance to Her Majesty without taking that oath. Does the Legislature, then, mean otherwise than to propose this oath to me personally? Can it be supposed that the Legislature means one, by the continuance of the oath of supremacy, to swear that there are not seven millions and some odd hundreds of Catholics in Ireland? How, then, can the establishment of this college be against the oath of supremacy, when, in point of fact, the Legislature has provided the means of enabling those very Catholics to take an oath of allegiance without the oath of supremacy, thus putting other words into their mouths instead of those words which they could not swear? I think the noble Lord will agree with me that he has made a mistake in supposing that the establishment of this college is inconsistent with the oath of supremacy. I also beg to remark that the noble Lord, if he will look into the Statutes and examine the original statute of 1796, will see that students and all persons employed in that college are under the necessity of taking the oath required by the 13th and 14th Geo. III., which enables them to testify their allegiance without taking the oath. I trust your Lordships will feel convinced that this is a measure absolutely necessary, in order to carry out the intentions of the Legislature with regard to Ireland.

Bill passed.

June 17, 1845.

CHURCH EDUCATION SOCIETY.

The Bishop of CASHEL presented a petition signed by a number of clergymen of the Established Church, praying aid to the schools in connexion with the Church of Ireland.

The Earl of CLANCARTY having alluded to the Select Committee appointed in 1837, of which the Duke of Wellington was a member, and to an opinion expressed by the noble Duke on that occasion,

THE DUKE OF WELLINGTON said:

The noble Earl (Clancarty) having referred to some expressions which fell from me some years ago upon this subject, I have a few words to address to your Lordships. Of what the noble Lord refers to I have not the remotest recollection. A committee of inquiry has been alluded to, of which it was said I was a member. Now, I have not been a member of any such committee of your Lordships' House for many years. I certainly at one time entertained an opinion adverse to the national system of education; nor have I now much faith in the benefits likely to result from it. My opinion was then very adverse to a system of joint education, but I have altered my opinions on this subject. I altered them while I sat on the other side of the House; I delivered my opinions then as so altered—I opposed a motion made by a noble friend of mine, and supported all the motions made for the augmentation of the grant; and besides, did everything in my power in the way of influence and advice to induce those over whom I could have any influence to give their support to the system adopted by the Government, and which was in course of being carried into execution. The noble Earl states that the clergy have been induced to oppose the system by the example given them by persons high in office, and possibly the noble Earl, among others, meant me. But what I wish is, that these gentlemen will have the kindness to examine a little what has been the conduct of those persons from whom they profess to take example. They may in this House, or elsewhere, oppose a law or a system which they think is injudicious, and when they think another system is preferable; but I should like any man to show me, when a system is to be carried into execution, which has once passed into a law, the man who can come forward and accuse me of ever failing to do everything in my power to carry that system into execution,

whatever may have been my opinions of its inefficiency in the first instance, or whatever may have been my views as to the consequences which were likely to follow such a measure of legislation. When once a measure becomes law, I—whether as the executive officer of the Government, or in any rank or situation of life in which it may be my duty to carry it into execution—shall invariably lend my best aid to carry it into execution, whatever may be the consequences. And this is the rule which honest and honorable men should move upon. I apply that maxim to the conduct of these clergymen; I approve entirely of their coming here to the number of 1700, and making an application to this House for aid to carry into execution the maintenance of the Scriptural Society; but having received the answer which they have done in that clear and distinct letter from the right honorable gentleman at the head of the Government—he telling them that he did not mean to propose a grant for that society, and that he considered such a grant inconsistent with his duty—let them come forward and perform theirs, and give their aid to carry into execution the system that is preferred by the Legislature—that is preferred by the Sovereign and the Government, and ordered to be carried into execution by the Board appointed by the Government to carry it into execution. Then I shall approve of their conduct, and think it highly praiseworthy and creditable to them. Let them say what they please at Exeter Hall; but in their parishes I desire—I advise—nay, more, I entreat them to carry into effect the law, the law preferred by the Legislature and the Government. Now, one word as to the conduct of the Government, with reference to their refusal to give money for the promotion of the views of the Church Education Society. Your Lordships must be aware that there are no fewer than four different systems of religious opinions in Ireland. There are, first, the doctrines of the Church of England; then of the Roman Catholic Church; third, the Presbyterians in connexion with the Synod of Ulster; and then fourth, the seceders from the Synod of Ulster. Now, we should have, according to the proposed mode of proceeding, four different systems of education going on in Ireland, all supported by the Government. What will noble Lords say of the principles of such a plan? And let your Lordships observe this, that, if they do not make these grants, they will have each of these parties complaining, and saying, 'Your conduct

is inconsistent with our conscientious religious scruples; you are giving our money to teach that which we believe to be heresy.' Each of the four systems will state this of the other! Really that is not what can go on. I do not deny that I had very strong opinions, which I entertained a long time, against a united system of education; but experience has shown me that that opinion is wrong, and that the system has done a good deal of good. I cordially acted in carrying it into execution in Ireland. I was in office for a month or six weeks in 1835, and I cordially carried the system into execution during that short time. I supported the grant in 1835, the increase of the grant. I earnestly urge the clergymen of the Church of England—let them do what they will with their votes, their voices, their speeches, and their writings—I entreat them as men of honor, as men of religion, and as good Christians—I entreat them when they go to their parishes to carry on their duty as becomes them as good subjects, and as men who are desirous to obey the law under which they live.

Petition ordered to lie on the table.

July 21, 1845.

PENINSULAR OFFICERS.

The Duke of RICHMOND presented a petition from the undecorated officers who had served in the Peninsular War, on the subject of decorations conferred on the army engaged in the late war, and praying the House to bring their case under the notice of the Crown.

THE DUKE OF WELLINGTON said:

My Lords, the petitioners do me but justice in stating that I have never mentioned or referred to the war in the Peninsula excepting in terms of praise of their conduct. But, my Lords, it gives me the greatest concern to feel myself under the necessity of submitting to your Lordships that your Lordships cannot regularly, and according to your usual practice, interfere in a question of this description. Some years have elapsed since these same petitioners made an application to me—if I recollect rightly in the year 1840—on the same subject which they have now brought under your Lordships' consideration. I then stated to them the relation in which I had stood both towards them and

towards the Government during a considerable number of years. I stated to them that it had been my duty for several years to report their conduct, whether as an army, or as divisions of that army, in brigades or regiments, or as individuals belonging to the army, to the Government of the Crown, and to bring it thus under the knowledge of the Sovereign: but, my Lords, I stated that, as to the rewards to the army, these were matters to which I could otherwise make no reference—that they were acts which were confined to the Sovereign and to the advisers of the Sovereign—and that in this light I had never presumed to interfere in any manner, excepting when called upon to give my opinion, or to carry into execution the orders of the Sovereign to recommend persons for honorable marks of distinction. My Lords, I then recommended those gentlemen to make their representation to the Sovereign through the proper channel. Since I received notice from my noble friend of his intention to present this petition, I have inquired whether any such application has been since made; and I can not only find no trace of such application, but I cannot find any account of such an application having been ever made. I have heard, indeed, that a similar petition to that which my noble friend has brought before your Lordships was presented by an honorable gentleman in another place, as the present petition is addressed to your Lordships. But I beg leave to submit to your Lordships that the proper course for these petitioners to adopt is, to present their petition to the Sovereign, and not to come to the Houses of Parliament, in order to require the interference of the Legislature in a matter which is strictly and exclusively the prerogative of the Sovereign. My Lords, I invariably, and, I believe, in a satisfactory manner—at least I never heard a complaint on the subject—reported the services of the army, or of the individuals composing it, to the attention of the Sovereign. I have frequently received the order of the Sovereign to recommend officers of distinction for reward and promotion; and not only have I received such directions from the Sovereign of this country, but in repeated instances from the allies of the Sovereign of this country; and I have submitted the names of officers to those Sovereigns, I hope in a manner satisfactory to those who were selected. The Sovereign of this country has been pleased to give her approbation and consent to the acceptance of those officers of the honors to which I have recommended them. But in no case

whatever would I ever have interfered until I was called upon to give my judgment or recommendation and opinion on the subject. It is perfectly true, as the noble Duke on the cross benches (the Duke of Richmond) has stated, that marks of honor of a particular description have been conferred upon other armies which have not been conferred on the armies serving in the Peninsula, however meritorious their services may have been. But, my Lords, have no marks of honor been conferred upon the armies of the Peninsula? Have no rewards been bestowed on those officers? What my noble friend has stated is perfectly true, that the service in the Peninsula was not an expedition, but a war carried on for several years—for six consecutive campaigns, and some winter campaigns. Nearly the whole of the British army served in that war. Out of one hundred and odd battalions, there were about sixty which served in that army. My Lords, this and the other House of Parliament returned to that army their thanks not fewer than sixteen different times, for as many different engagements; and new modes were discovered and adopted of distinguishing and rewarding the officers of that army. Medals were struck in commemoration of actions of gallantry and distinguished actions in the Peninsula upon no fewer than nineteen occasions; and these medals were distributed upon the rules and regulations laid down on the occasion, to about 1300 officers of the army. And will it be said that 1300 officers is not a considerable number in any army to receive such marks of distinction, and this on nineteen different occasions? Then a new mode of promotion was adopted for the first time in the Peninsular army—I mean the issue of special brevets for extraordinary services; and a vast number of officers were promoted by these special brevets in this very army, whose services are now said to be unacknowledged. Subsequent to the war, upon various occasions, arrangements were made for the benefit of the whole army, cavalry, infantry, and artillery, recommended, not by me, nor have I the credit of them, but by the Duke of York, who commanded the army in chief up to the period of his death in 1827, and also by Lord Hill, who succeeded in command up to the year 1828. First of all, various allowances were made to all the different officers. In 1826, the officers holding brevet rank on full pay had the advantage of retiring upon the advanced half-pay of the next rank above. Lieutenants serving on full-pay, whose commissions were dated prior to 1811,

had the option of retiring upon the unattached rank of captain on half-pay. By an Order in 1834, in every three vacancies upon the retired full and half-pay, one promotion was granted in the ranks of captain, major, and lieutenant-colonel—all these arrangements being in favor of these officers. In 1835 a further arrangement was made in favor of captains promoted under the General Order of December, 1826; and 20 lieutenant-colonels, 20 majors, and 115 captains received full-pay instead of retired half-pay. These were solid boons conferred upon those individuals by the public. Then I would beg your Lordships to remember that among your Lordships there are not fewer than seven officers who have been promoted to the peerage on account of their own services, or those of their fathers or grandfathers, in this very army. Not fewer than 400 of the different classes of the Order of the Bath were conferred on the officers who served in the Peninsular army. My Lords, it is perfectly true that the late Sovereign was pleased to confer a medal on the army that fought at the battle of Waterloo—upon every individual who was present upon that occasion. This was an honor which had never before been conferred on any body of troops, and certainly not on the army in the Peninsula, although they had fought several great battles, and most undoubtedly their service was of a most important description during the six years that they were in the Peninsula. But, my Lords, I beg you to recollect that the battle of Waterloo was an occurrence of an extraordinary nature. A general peace had been made, after a war of a quarter of a century, in the year 1814. Circumstances occurred which rendered imminent the probability that the war would be recommenced, and great preparations were made on all sides. The greatest anxiety was felt, not only in this country, but throughout Europe, upon the breaking out of that war. That battle was fought, and its decision certainly gave at the moment every reason to believe that there was an end to all the operations of the war; and not a shot has been fired in Europe from that time to this, upon any occasion referable to the operations of that war. It was natural that the Government of this country should be desirous of testifying their approbation of the conduct of the army on that occasion; and it is true that the late Sovereign and his Government did order that medals should be struck to commemorate that great battle, which should be distributed to every officer and soldier, and should be

worn under His Majesty's directions. My Lords, until lately this distinction was confined exclusively to that one affair, and was not conferred on any other army. Until events occurred recently in the East, this honor was not extended to any other army. I am not at all desirous of adverting particularly to the events which, a short time ago, happened in that quarter of the globe; but undoubtedly it is an historical fact that the greatest disaster which has happened in that part of the world for more than sixty years, occurred a few years ago in the north-eastern part of India. It was of the utmost importance to our tenure of the possessions which we had acquired—nay, to the very existence of the British name—in India, as well as to the maintenance of the spirit of the army, that their reputation should be revived by success; and my noble friend, the noble Earl (Ellenborough) who was Governor-General of India, and under whose auspices the operations were carried on in all directions, which restored to the army the credit, reputation, and honor in which it was always held up to that moment, and which tended so much to the advantage and honor of the country—the noble Earl thought it proper to follow the example of the case of the battle of Waterloo, and ordered medals to be struck and distributed to every individual that fought in the north-east of India. The noble Lord judged most correctly that it was important to give some mark of approbation of the Government at the conduct of the army; to take a step promptly to make the men sensible of the estimation in which their conduct was held, and that it should do so promptly to revive the spirit which had existed before, and that confidence in their own exertions which was so important to re-establish discipline, subordination, and good order. The noble Lord had the power of carrying into execution this measure within the territories under his own government; but it required the assent of Her Majesty, in order that those who received that mark of honor from the noble Lord the Governor-General of India should be enabled to wear this decoration in this country; and Her Majesty was pleased to express her approbation of the measure which had been adopted by the noble Earl. This is the history of this medal. There is no doubt that the army retrieved the misfortune which had previously occurred, and the good conduct of the troops regained the character of the army, and restored confidence to the public and peace to India. There was afterwards another instance with regard to such medals, with respect to which,

I think, from what I shall state, it will be exceedingly clear that they were given on such distinct and exclusive grounds that they will form an exception to the general rule, and I think that I shall, in a few words, show your Lordships a full justification for the distinction that was made—I mean the medals given in the case of China. I have before had occasion to draw your Lordships' attention to the extraordinary operations performed in that war. My Lords, we had fleets and armies there carrying on joint operations on a hostile coast, carrying on operations against fortified harbours and rivers, against fortresses and fortified coasts, and manœuvring against the enemy exactly as if they had been a body of troops with their cannon in the field, and carrying everything before them. My Lords, you must all recollect the anxiety with which those of us who knew anything of the nature of warlike operations regarded the risks and dangers of that war in China. My Lords, the British troops overcame all their difficulties, and I must add that there was this peculiar circumstance attending these operations, namely, that they were carried on by the native troops, who, as was known by all Governors of India, had notorious prejudices against embarkation, and whom it was difficult to prevail on to embark. They did, however, give their services in aid of Her Majesty's troops, enduring all the hardships, and not being backward in their services or in their efforts to get the better of the enemy. My Lords, after an extraordinarily short period of time, the operations of that war were eminently successful; they were successful at every point; and they terminated in a peace satisfactory to all parties, and which, I hope, will be the permanent bond of peace between this country and that great empire. Her Majesty's Government thought proper to reward the services rendered by the army and fleet concerned in those great operations, and ordered that medals should be struck, to be given to each individual who had been concerned in carrying on those operations; and this, I say, is another singular case, which forms an exception to all general rule, and which cannot be quoted as a precedent for any other case. My Lords, I have already stated to your Lordships that the army which served in the Peninsula is by no means an army that was not favored; I have stated that it has been highly distinguished and rewarded, and those services are considered on every occasion in which it is possible to regard them with a view to promotion. But I would beg your Lordships to recollect

that this is not the only successful army which has served this country; your Lordships must not forget the army of Egypt, you must not forget the army that fought in Calabria. And when you recollect these services I would beg your Lordships also not to forget the fleets. Did anybody ever hear of a general medal for a fleet? And yet there have been great naval victories acquired, such as the battle of the 1st of June, the battle of Cape St. Vincent, and the battle of the Nile. Did anybody ever hear of a general medal worn by everybody for those services? Surely, if the Peninsular army is to have a grant of this description, and an address is presented by your Lordships for that object, it is impossible that your Lordships should not notice these other occasions. Then there is another circumstance which I beg you to recollect in favor of the navy. I mean those long winter campaigns, if I may so venture to call them, in the blockade of the coast of France and in the Bay of Biscay. Month after month, week after week, and night after night, that blockade was persevered in through the skill of the officers and seamen in the ships of war of the Sovereign of this country. Are these services not to be rewarded equally with continued campaigns on shore for six years in winter and summer? Certainly they must be. If you take the step now proposed, you must take others; and it would be impossible that you should not carry the measure to the full extent of giving a general brevet, in fact, to everybody who ever served during the whole war, as well of the French Revolution as in the Peninsula.

Petition read and ordered to lie on the table.

[SIXTH SESSION OF THE FOURTEENTH IMPERIAL PARLIAMENT.—NINTH VICTORIA.]

March 2, 1846.

CAMPAIGN ON THE SUTLEJ.

The Earl of RIPON moved the thanks of the House to the officers who had distinguished themselves for their ability and energy in the campaign on the Sutlej.

The Marquis of LANSDOWNE supported the resolution.

THE DUKE OF WELLINGTON said:

My Lords, after the speech of the noble Marquis, I should be unpardonable if I were to say one word which could occasion

a difference of opinion in this House; and after the speech of my noble friend near me there really remains but little for me to say upon the military operations which have occurred; but I could not hear a motion of this description discussed without adding to what has been stated my unqualified approbation of the conduct of the troops upon this occasion, and also of the officers who commanded them; and particularly of my right honorable and gallant friend the Governor-General, who, after having made all the arrangements appertaining to his duty as Governor-General, in order to collect all the resources of the country for the purpose of the great contest impending, having collected all the troops and made all the arrangements for the security of the country, volunteered his services in his rank in the army, in order to give his assistance to the officer commanding the army in chief in carrying on those operations which remained for him to carry on in order to secure the public interests and the possession of the country. There is no obligation on an officer placed in his situation to take that course, yet my Right Honourable friend has given us an example which I hope will always be followed. When he found his services could be useful, he laid aside his position, and even his power as Governor-General—for it should not be forgotten that he would have carried with him into the field the power over the military operations of the army; he laid it aside—which indeed, it is true, according to the usual practice, could not in that way be exercised, and most particularly in his case could not, because Her Majesty, when he went to India, and the Court of Directors, gave him his commission to succeed to the command of the army after the death or coming away of the present Commander-in-Chief; but he volunteered his services and assistance to the Commander-in-Chief in the great contest which was imminent; but the noble Marquis has said truly, that all exerted themselves, and did everything in their power to obtain the great result which has crowned their efforts. It is not generally known, my Lords, but I know it, that the enemy's position was completely closed in by intrenchments, so closed round, that it deserved rather the name of a fortress than of a fortified position; and notwithstanding the advantage which our troops in India have, of having water carriages and persons attached to each company whose duty it is to supply them with water, they labored in this action under the

singular disadvantage of being deprived even of that refreshment for nearly twenty-four hours, because the country happened to be so dried up, and the villages so distant. Under these circumstances it was that the troops carried this position, certainly with very great loss, but which I hope has not left them in a state otherwise than efficient, if their services should be called for on military duty. I really must say that I have not for a length of time heard of an action that has given me such unqualified satisfaction as this, excepting in one particular. I have read with pain of one regiment to which the word 'panic' was applied, and I considered it my duty, in the position in which I am placed, to examine particularly into the circumstances. I see that in the returns that regiment is stated to have lost five-twelfths of its number, and a vast number of officers and non-commissioned officers. I have seen an account which states that, in the first quarter of an hour from the time when the regiment first entered into action, one-third of its officers fell. I cannot question the accuracy of the report of the operations made by the commanding officer; but I wish that this officer, when he sat down to write an elaborate account of the conduct of the troops under his command, had referred to the list of killed and wounded; and if he had inquired into the loss sustained by that regiment, I believe he would have found that they were absolutely mowed down by the fire under which they were advancing. I have made inquiries respecting that regiment, and I find that it has been sixteen years in the East Indies; that in the course of forty years it has served thirty-three abroad, and only seven in the United Kingdom; that, in the course of the sixteen years during which it has served in the East Indies, it has been in all parts of India; that its numbers have been recruited twice over since it has been in that country; and that at the moment, of these men, who made that attack and suffered that loss, three-fourths had not been seven years in the service. I considered it my duty to examine into the state of this regiment, seeing that word 'panic,' and I believe that I have with me a most extraordinary report of their good conduct from this general officer on a former occasion, and it will convince your Lordships that, if the list of killed and wounded had been brought before him on that occasion, it would have been impossible for him to apply that word to them.* I cannot find the paper now, but it contains the expression of unqualified approbation of the

state of this very regiment, by this same general officer, Sir J. Littler, upon the last inspection at Christmas last. I was anxious to read it to your Lordships to show that to the accident of the dreadful fire kept up upon them, and their being mowed down, you ought to attribute what occurred, and not to a deficiency and failure on their part.

Resolutions agreed to *nem con.*

March 23, 1846.

STATE OF IRELAND.

Earl GREY moved an Address to Her Majesty on the state of Ireland.

THE DUKE OF WELLINGTON said:

My Lords, it is not my intention to follow the noble Earl through all his able speech. Much of it is founded on fact, unfortunately; but to some of it I am enabled to give an answer. I do not think it necessary to enter into that portion of his speech which relates to the nomination of a Commission by Government to inquire into the state of property in Ireland, and to the measures which have been adopted in consequence of that Commission, further than to say that I suppose the noble Earl will admit that, on the occasion of that nomination, my right honorable friend in another place never stated, in proposing that Commission, that he intended in any manner to admit the justice or propriety of the motion under consideration at the time—I mean that relating to fixity of tenure; but the part of the noble Earl's speech to which I shall confine myself is that which immediately relates to the Address he has moved. My Lords, similar addresses have been presented frequently of late. At the commencement of this and the last Session a desire was expressed by Her Majesty and Her Majesty's Government to concur in any measure which could tend to the prosperity of Ireland. But, my Lords, it is impossible for me to concur in the Address now moved, considering not only its expressions, but the speech in which the noble Earl brought it forward; a speech—the latter part in particular—which shows that he intends to found upon the Address a series of measures which must end in the extinction of the Church of England in Ireland. The noble Earl has spoken throughout, in his consideration of this

part of the question, as though it were an open question—as though Parliament had done nothing on the subject—as though it were a question on which a measure could be adopted without the smallest difficulty, without a breach of former arrangements and former compacts. My Lords, if there ever was a point which was made a subject of compact by Act of Parliament, it is the maintenance of the Church of England in Ireland. It is an institution which the two Parliaments at the time of the Union resolved should be perpetual; they styled its preservation, in the article in which it was most particularly mentioned, a fundamental part of the engagement. The noble Earl says, 'I do not desire you to repeal the Union; but that which I do desire of you is, that you should adopt my Address.' An Address, my Lords, which, I tell you, will lead to the pulling down of the Church of England in Ireland—the depriving that Church of its possessions—and which must end in that repeal of the very treaty of Union which the noble Lord states he is not desirous should be conceded. My Lords, the Irish Parliament was a body capable of legislating on this subject; competent to frame and agree to this treaty. That Parliament entered on the consideration of the question under the auspices of the Government of George III. They had the power of either agreeing to or dissenting from the Act of Union; and they stipulated for the 6th Article, by which it was provided that the two Churches of England and Ireland were to be united for ever, and to be governed by the same laws. You cannot replace the Irish Union or the Irish Parliament in the situation in which they stood at the time that the compact was signed; and I say that you cannot depart from the compact without a positive breach of engagement. I say then, you have not a case before you for the accomplishment of this object; you cannot make the arrangement proposed; and I therefore recommend your Lordships not to agree to the Address moved by the noble Earl. My Lords, undoubtedly measures must be adopted calculated to benefit Ireland; and this and the other House of Parliament ought in every case to adopt measures of legislation for the benefit of Ireland, whenever the interests of that country come under consideration. And, my Lords, I must say that Parliament has done its duty in the matter. I believe—and the noble Lord will not deny it—I believe that there never was a country which has so advanced in improvement of all descriptions as has Ireland in the years which

have elapsed since the Union. I will not go into details—others more able to do so will follow me; but it is quite remarkable that in every way,—in trade, in commerce, in shipping, in revenue, in customs, in excise,—in everything the increase has been enormous. True, the noble Lord said, in the early part of his speech, that foreigners who travel in Ireland expatiated on the misery which they witness there. My Lords, it is true there are great poverty and great misery in Ireland, as there are in other countries; but yet, my Lords, there is great capital, vast riches. Ireland is at this moment setting an example to the world which could be imitated in very few countries in Europe,—I mean that she is laying out millions at this moment in the construction of railways at the expense of private individuals. It is very true that railways are in the course of being constructed in other countries in Europe; but how?—at the expense of the Government, and not out of the capital of private individuals. In this country, of course, the same thing is being done as in Ireland; but excepting these two nations, there is not in the whole world one railroad which has not been constructed, or is not in the course of being constructed, at the expense of the public treasury. Now, my Lords, I don't much care whether this capital in Ireland be the property of Irishmen, or whether it has been borrowed in this country and sent across St. George's Channel on the credit of Irishmen. If it be the property of Irishmen, as I hope it is, then that expense, my Lords, demonstrates the improvement that has taken place in that country; an improvement for which the noble Lord ought to give Parliament, and those who govern Ireland, some credit. On the other hand, if it be the property of Englishmen, and be sent to Ireland, at least this shows that there is some credit in Ireland, and that lately men have more confidence in the restoration and continuance of peace than the noble Earl appears to have. My Lords, I hope they may not be disappointed; and I am sure that the Government will do all in their power that the measures which they will introduce may be calculated to give satisfaction to the country, and to insure the public tranquillity. Now, my Lords, I must say that I think there is evidence that the noble Lord is mistaken in respect to the alleged great dislike entertained by the Irish towards the English Church Establishment in Ireland. My Lords, it is a most remarkable circumstance, but it is a fact which you will become convinced of by looking through the

records of Parliament, that, after the English and Irish Parliaments had been endeavoring in vain to discover a mode of enabling the Roman Catholics to testify their allegiance, they struck out of the oath of supremacy all reference to Catholic doctrines, such as transubstantiation and everything else; but that part of the oath which referred to the property of the Church, to the revenues of the Church itself, was inserted on the petitions of the Roman Catholics themselves. Those petitions, commencing in 1805, and going on from that time in 1806 to 1826, and so on to the passing of the Roman Catholic Relief Bill, showed that the people felt no desire to deprive the Church of its property, or to injure in any manner the privileges in the possession of the Church; that all, in fact, they desired, was the removal of civil disabilities, and the privilege of standing on the same footing as their fellow-subjects in the eye of law and the Government. I say, therefore, that it is not very probable that there should have arisen a total change of sentiment on that subject. In the mean time it is very true that some people may look after the property of the Church as other men do after property of all descriptions; but if there be one thing more certain than another, it is that the insertion of the words to which I have referred, in the declarations or oaths which must, by the law of the land, be taken by those who claim an advantage under that law—if there be anything more clear than another, it is that the insertion of these words was suggested by the Roman Catholics themselves. Now I have stated that this institution of the Church in Ireland at the time of the Union, and the maintenance of that Church, were matters of compact from which the House cannot depart. But I go further, and say that there is no one principle in the constitution of this country in favour of the determined maintenance of which so many solemn declarations have been made as in respect of this principle, the maintenance of the Church of England in Ireland. At the coronation this principle is declared. It was declared in the Act of 1828, the repeal of the Corporation and Test Acts. It was declared again in 1829, in the Catholic Relief Act; and on every occasion on which any concession of privilege was made to the Roman Catholics, it was declared again. I repeat, therefore, that we have it not in our power to change this principle, so uniformly acted upon, so repeatedly declared, of preserving the Church of England in Ireland. My Lords, I go a little further, and I

believe I can state other reasons against the course which the noble Earl proposes to take. I saw some years ago—three years ago—a petition from the Peers of Ireland, complaining of the discontented state of the people. They mentioned, it is true, among a number of causes, this very subject, the existence of a Church establishment. But, my Lords, they mentioned other causes of discontent. They said that the relative proportion of Members of Parliament from Ireland and from England, taking into account the populations of Ireland and of England, was not what it ought to be. Is the noble Lord prepared to concede that, with reference to the Municipal Corporations Act, they complained that the qualification had been placed higher in Ireland than it ought to have been, or than it was in the English Corporation Reform Act, especially considering the state of property in Ireland? They maintained also that the number of Irish Roman Catholic judges was not that which could be fairly claimed for the Irish Bench. Now, for my part, I have always understood that judges were selected from those most capable of performing the judicial office; I believe such is the case in this country; I believe that this is the course pursued in Ireland, and I do not know that the Irish judges are deficient in those qualities which render the judicial character respected. These are some of the grievances stated by the noblemen in question who signed the petition from Charlemont House. Is the noble Lord prepared to turn these grievances into an Act of Parliament? But whatever these grievances may be, I think I can show you, from what has passed heretofore, that the most ample concessions on the part of Parliament will not put an end to that which is the cause of the mischief,—I mean the agitation, the perpetual agitation for the repeal of the Union, or for any other measure, whether it be the extinction of tithes, or the demolition of Church-rates, or whatever may be the prevailing cry of the moment—I think I can show your Lordships, from the example of what has passed in former years, that there is no concession you can make which will not be followed by additional agitation, and consequent additional discontent. My Lords, a great measure of concession was passed in 1829. What followed? The law was passed in the month of April, 1829. In the month of June, 1829, the great agitator was in the county of Cork, urging the people to combine for repeal, and to struggle for civil, as they had struggled for religious liberty. Well, from thence he

went to Dublin, and commenced there a system of agitation in the month of December, 1829, which he continued through the year 1830, and up to the month of January, 1831, under different forms and circumstances, and in different parts of the country, until at last my noble and gallant friend the then Lord-Lieutenant, and the noble Lord the then Secretary for Ireland (Lord Stanley), issued a proclamation, under the Associations Act, by which they put an end to this description of agitation. But, my Lords, observe that this new agitation on the subject of tithes and Church-rates, and repeal of the Union, commenced on the very morrow of the passing of the Catholic Relief Bill. Well, my Lords, after this measure, after these proclamations, the agitation recommenced for the suppression of tithes and Church-rates; and it was thought expedient, and very properly in my opinion, to put an end to Church-rates in Ireland, and to find other means of providing for the expenses which had formerly been paid from that fund. Hardly was that accomplished when the agitation recommenced on tithes, and then the Government were under the necessity of introducing a Coercion Bill; and I beg to refer the noble Earl to the opinion of the noble Lord who was then Lord-Lieutenant of Ireland, Lord Wellesley, a nobleman who had some knowledge of public affairs, who stated solemnly, in a despatch laid on the Table of this House, that he desired that his Majesty's Government would attend particularly to the connexion which he invariably found to prevail between agitation for repeal, and agitation for abolition of tithes, and popular discontent and agrarian outrage—that they followed each other as cause and consequence invariably. I beg your Lordships to observe this, to observe what is passing around us, and then to say whether or no you feel disposed to make the concessions called for by the noble Earl. Having this fact before your faces, and having every reason to be satisfied that the moment you make that concession agitation will recommence for some other object, the obtaining of the properties of individuals, or any other similar purpose, you may be well satisfied that that agitation will give ground for discontent, and cause a portion of the people to commit new agrarian outrages. Well, my Lords, after the Coercion Bill of 1833, another was passed in 1834, not so stringent in its provisions, and limited to a twelvemonth's duration; and it was succeeded by a measure in 1835, which was still less efficient, but which was passed for five years, terminating in the year 1840.

There was, I believe, some little cessation of agitation in 1835 and 1836, owing, it is supposed, to some political arrangements made here in London. But, my Lords, that apparent tranquillity did not last long. The agitation for repeal was continued under different forms during 1837-38-39-40, until at last in that year the meetings of great bodies—the monster meetings—commenced. These were continued through 1841, 1842, and down to November 1843, when they were put down by proclamation of the Lord-Lieutenant. My Lords, during all this time there was no want of measures of conciliation. The tithe arrangement was brought to a complete conclusion: the Tithe Bill was passed, and every measure adopted which could tend to the prosperity of Ireland—Parliament acting on all these occasions as though it were an Irish Parliament, legislating only for the benefit of the Irish people. But, my Lords, this system of agitation still continued, and monster meetings were assembled, which could be got the better of at last only by military force. Such, my Lords, is the history of the effects of concession. I do not mean to say that it was not right to concede on all these points. I only ask you whether you choose to cede on this occasion—in the face of facts which no man can deny—in the face of the compact which binds you to preserve the united Church of England and Ireland in the latter country. My Lords, I will confess that I think that I have not put the question of the preservation of the Church of England in Ireland on such high grounds as those on which I might have put it as a religious establishment. My Lords, we enjoy the advantage, under the influence of this establishment, of possessing a people with as strong a sense of religion, and as great respect for religion, as exists in any other country in the world. We have, besides, the advantage of universal toleration—every system of religion is tolerated in this country; and, above all, we have the advantage of religious peace. These are three great Christian advantages, which, I think, are the great objects of a religious establishment, and I entreat your Lordships not to incur the risk of losing any of them by consenting to any such measures as those proposed by the noble Earl. My Lords, it is true that, though we have religious peace, there are great political differences of opinion among the different sects which exist in this country. This, my Lords, is the consequence of our political state of existence. Every separate body in this country has considerable poli-

tical power, and it is the object of all these sects and classes to increase their political power; they are acting constantly under the direction of their ministers, or others. who may lead them; they are anxious to increase their political strength; and they enter into political contests with their rivals. But, my Lords, will the concessions which the noble Earl proposes to make put an end to these political rivalries among these contending sects? These sects will remain, and of course these rivalries will remain, and their contests for political power will be continued; but, my Lords, I am afraid that religious peace will not remain. We shall no longer have facilities for settling such questions as the marriage question, which was brought before this House some years ago, and other questions which have arisen, and have been settled, but which cannot be settled elsewhere. Look at Germany, at France, and at Spain, and you will find that these questions cannot be settled there. But suppose, my Lords, you can secure religious peace; what becomes of toleration under this Catholic establishment, without which, I say, this country could not go on for a moment? Under these circumstances—considering that you are bound by a compact to maintain in Ireland the united Church of England and Ireland—considering the great religious Christian advantages you derive from the existence of the Church of England—advantages enjoyed by the Roman Catholics and Presbyterians equally with ourselves—I entreat your Lordships, by your rejection of this Address, to avoid giving ground for a belief that you have any intention to adopt the measure suggested by the noble Earl.

On the question their Lordships divided. Contents, 17; non-contents, 61. Majority, 44.

May 28, 1846.

CORN IMPORTATION BILL.

In the adjourned debate on this Bill,

THE DUKE OF WELLINGTON said:

My Lords, I cannot allow this question for the second reading of this Bill to be put to your Lordships without addressing to you a few words on the vote you are about to give. I am aware, my Lords, that I address you on this occasion under many disadvan-

tages. I address your Lordships under the disadvantage of appearing here, as a Minister of the Crown, to press this measure upon your adoption, knowing at the same time how disagreeable it is to many of you with whom I have constantly acted in political life, with whom I have long lived in intimacy and friendship with the utmost satisfaction to myself, on whose good opinion I have ever relied, and, I am happy to say, whose good opinion it has been my fortune hitherto to have enjoyed in no small degree. My Lords, I have already in this House adverted to the circumstances which gave rise to this measure. My Lords, in the month of December last I felt myself bound by my duty to my Sovereign not to withhold my assistance from the Government—not to decline to resume my seat in Her Majesty's Councils—not to refuse to give my aid to the administration of my right honorable friend (Sir Robert Peel), knowing as I did at the time that my right honorable friend could not do otherwise than propose to Parliament a measure of this description—nay, more, my Lords, this very measure—for this is the very measure which my right honorable friend stated to the Cabinet prior to their resignation in the month I have referred to. My Lords, it is not necessary that I should say more on that subject. I am aware that I address your Lordships at present with all your prejudices against me for having adopted the course I then took—a course which, however little I may be able to justify it to your Lordships, I considered myself bound to take, and which, if it was to be again adopted to-morrow, I should take again. I am in Her Majesty's service—bound to Her Majesty and to the Sovereigns of this country by considerations of gratitude of which it is not necessary that I should say more to your Lordships. It may be true, my Lords, and it is true, that in such circumstances I ought to have no relation with party, and that party ought not to rely upon me. Be it so, my Lords, be it so, if you think proper. I have stated to you the motives on which I have acted—I am satisfied with those motives myself, and I should be exceedingly concerned if any dissatisfaction respecting them remained in the mind of any of your Lordships. I am aware that I have never had any claim to the confidence which you have all reposed in me for a considerable number of years. Circumstances have given it to me in some cases, in some cases the confidence of the Crown, and in others the zeal with which I have endeavored to serve your Lordships,

to promote your Lordships' views, and my desire to facilitate your business in this House; and I shall lament the breaking up of that confidence in public life. But, my Lords, I will not omit, even on this night—probably the last on which I shall ever venture to address to you any advice again—I will not omit to give you my counsel with respect to the vote you ought to give on this occasion. My noble friend (Lord Stanley), whose absence on this occasion I much lament, urged you, and in the strongest manner, to vote against this measure; and he told you, in terms which I cannot attempt to emulate, that it was your duty to step in and protect the people of this country from rash and inconsiderate measures framed by the other House of Parliament, and which, in his opinion, were inconsistent with the opinions and views of the people themselves. My Lords, there is no doubt whatever that it is your duty to consider all the measures which are brought before you, and that it is your right to vote in regard to those measures as you think proper, and most particularly it is your duty to vote against those that really appear to be rash and inconsiderate; but, my Lords, I beg leave to point out to your Lordships that it is also your duty to consider well the consequences of any vote you give on any subject—to consider well the situation in which you place this House—nay, my Lords, that it is the duty of every one of you to place himself in the situation of this House—to ponder well the consequences of his vote, and all the circumstances attending it, and the situation, I repeat, in which this House would be placed if it should adopt the vote which he himself is about to give. This indeed has been the line of conduct pursued by this House before. I myself once prevailed upon this House to vote for a measure on which it had pronounced positive opinions by former votes; and persuaded it subsequently to take a course different from that which it had pursued on previous occasions on the same subject. My Lords, I now ask you to look a little at the measure in respect of which you are going to give your votes this night—to look at the way in which it comes before you, and the consequences likely to follow your rejection, if you do reject it, of this Bill. This measure, my Lords, was recommended by the Speech from the Throne, and it has been passed by a majority of the House of Commons, consisting of more than half the Members of that House. But my noble friend said that this vote is inconsistent with the original vote given by the same House of Com-

mons on this same question, and inconsistent with the supposed views of the constituents by whom they were elected. But, my Lords, I think that is not a subject which this House can take into its consideration—for, first, we can have no accurate knowledge of the fact; and, secondly, whether it be the fact or not, this we know, that it is the House of Commons from which this Bill comes to us. We know by the votes that it has been passed by a majority of the House of Commons; we know that it is recommended by the Crown; and we know that, if we should reject this Bill, it is a Bill which has been agreed to by the other two branches of the Legislature; and that the House of Lords will stand alone in rejecting it. Now that, my Lords, is a situation in which, I beg to remind your Lordships, I have frequently stated you ought not to stand; it is a position in which you cannot stand, because you are entirely powerless: without the House of Commons and the Crown the House of Lords can do nothing. You have vast influence on public opinion; you may have great confidence in your own principles; but without the Crown or the House of Commons you can do nothing—till the connection with the Crown and the House of Commons is revived, there is an end of the functions of the House of Lords. But I will take your Lordships a step further, and let you see what will be the immediate consequences of rejecting this Bill. It appears very clear that, whatever may be the result of this Bill in this House, the object I had in view in resuming my seat in Her Majesty's Councils will not be attained. I conclude that another Government will be formed; but, whether another Government is formed or not, let me ask, do your Lordships suppose that you will not have this very same measure brought before you by the very next Administration which can be formed? And do your Lordships mean to reject the measure a second time? Do you mean the country to go on in the discussion of this measure two or three months longer? But the object of the noble Duke (Richmond) and of the noble Lords who have addressed the House against this Bill is that Parliament should be dissolved—that the country should have the opportunity of considering the question, and of returning other representatives; and that it may be seen whether or not the new House of Commons would agree to this measure. Now really, if your Lordships have so much confidence as you appear to have in the result of other elections, and in the exercise of public opinion

on this question, I think that you might venture to rely upon the elections which must occur, according to the common course of law, in the course of a twelvemonth from this time; and that you might leave it to the Parliament thus elected to consider the course which it will take on the expiration of the term of the Bill now before you; for that Bill is to last only till the year 1849. I think your Lordships might trust to that Parliament to take the matter into consideration at that time, without interfering with the prerogative of the Crown by compelling the Queen to dissolve Parliament as the immediate consequence of the rejection of the present measure. Your Lordships therefore have now the option of immediately accepting this Bill, reserving it to another Parliament to pass or reject it again, if again the question should be brought forward, or of rejecting the Bill now, and obtaining a fresh election, of which you seem so desirous. Your Lordships have that choice—you may reject the Bill now, or you may appeal again to the new Parliament to confirm or reject it, at the time when its operation will cease, in the year 1849.

Bill carried by 211 to 164.

August 11, 1846.

FLOGGING IN THE ARMY.—COLONEL WHYTE.

Earl FORTESCUE, in presenting a petition from Budleigh Salterton for the abolition of flogging in the army, expressed his gratification at an order issued by the Duke of Wellington to limit that punishment.

Lord BROUGHAM took occasion to vindicate Colonel Whyte from attacks which had been made upon him in connection with this matter.

THE DUKE OF WELLINGTON said:

My Lords, it is my duty, in considering the conduct of the gallant officer whose name has been mentioned, and on referring to the subject brought forward by the noble Earl who first addressed you, as well as by my noble and learned friend, to assure your Lordships I have no doubt whatever in stating that the slightest blame does not attach to that officer in connexion with the late unfortunate transaction. With respect to the subject generally, it has long been the wish of all those connected with the command of the army, and particularly of the illustrious indi-

vidual who was my predecessor in that command, that the punishment should be diminished in the greatest possible degree. It has been my invariable practice, since I first had the honor of a command in the army, to make every endeavor to diminish the punishment, so as, if possible, to lead by degrees to its entire discontinuance. My Lords, this has been the object of all my arrangements throughout the service ever since I first commanded a regiment, now not less than fifty years ago. But really, my Lords, the fact is, that it is impossible to carry on the discipline of the British army without some punishment of that description which the individual shall feel. This has been found to be invariably the case; and so much has it been the case, that, even when it was thought possible to discontinue it altogether, as had been recently essayed in the East Indies, where, under an order of the late Governor-General the punishment was entirely discontinued, it was found necessary to re-establish it, owing to the impossibility of carrying on the duties of the service without it, the troops among whom it had been abolished having mutinied in the most remarkable and disgraceful manner; in a manner, in fact, calculated to disgrace their country, and the nation in the service of whose Government they were acting. It was therefore found necessary to re-establish the punishment in that army in which it had been discontinued. My Lords, in consequence of the feeling of the Government, of the Parliament, and of the public on this subject, I have taken upon myself to issue an order greatly to diminish the severity of the punishment; and I hope, with the arrangements made in future, and with an alteration in the law, it may still further be diminished, so as to lead to its final discontinuance. I must, however, beg your Lordships to observe that, if we are to have an army, we must have it in a state of discipline—a state of subordination to command, and of obedience to the State. This country does not like an army under any circumstances; but in no case would it bear any but the best troops that can be had. We must have the very best troops in this country, and in every part of the world where we employ them. We require the best conduct and the most perfect subordination and order; for I assure your Lordships that our troops are now at this moment engaged, and are constantly engaged, in the daily performance of services which you could not require—nay, I will go further, and say, which you could not have—from

any other troops in the world. They are constantly in the course of embarkation in vessels carrying convicts from this country to Australia; guarding these convicts in small detachments of infantry, commanded by a subaltern, the number of convicts being frequently from 300 to 400. My Lords, it is most surprising under these circumstances that it should be so, and yet I do not recollect any misfortune occurring during those long voyages under the command of a subaltern officer, assisted by noncommissioned officers, taking charge of a ship conveying so many convicts. This is going on every day without any misfortune; and in some few cases where shipwrecks have occurred, our troops have conducted themselves in the most remarkable manner, in a way which gained the confidence of all those around them. On those occasions the officers of Her Majesty conducted themselves in a manner which tended to save the life of every individual on board. It is necessary for me now to remark—and I entreat your Lordships to remark—that you cannot have an army if, unfortunately, it should lose its discipline and habits of subordination and good order; but your Lordships may rely upon it that I will continue to do what I have always endeavored to do, that is, to diminish the punishment as much as possible, and I hope I may live to see it abolished altogether.

INDEPENDENCE OF CRACOW.

Lord BEAUMONT submitted a motion respecting the events which had recently taken place at Cracow in violation of the Treaty of Vienna.

The Marquis of LANSDOWNE having spoken,

THE DUKE OF WELLINGTON said:

I feel called upon, as a member of Her Majesty's Council when these events occurred, to attend to the noble Lord's statement; and I am perfectly satisfied with the statement which the noble Marquis has just made on the subject. There is no doubt that any occupation, by the troops of the three Powers, of the republic of Cracow, is a breach of the Treaty of Vienna; and it must have been explained, or, at all events, it must be explained, by the Three Powers alluded to which have made this occupation. Although I was a member of Her Majesty's Council at the time, I am not certain that the subject was under discussion. The terms

of the Treaty are clear, however, that this city shall not be occupied by troops; but when the treaty was made, the state of things which existed when the occupation took place was not thought of or contemplated. It was not thought possible that committees would be sitting in many of the great metropolises of Europe, in order to carry on a secret conspiracy in those countries, and to organise insurrection against an actual government of a country. Such a committee existed in this very city of Cracow, and this circumstance could not have been foreseen, and, consequently, could not have been provided for, at the time of the Treaty of Vienna. But, as was said by the noble Marquis, the authorities of the town and the agents of the then protecting Governments residing there, from information acquired by their agents, were aware of a state of conspiracy existing not only in Cracow, but in all the neighboring countries, and not only in the duchy of Posen and Gallicia, but also in the duchy of Warsaw itself, for the purpose of insurrection, which insurrection in all these places broke out nearly at the same time. The noble Lord complains that the Austrian Government had taken no measures of preventing, or, by means of the military, of at once putting down the insurrection in Gallicia. I do not know what measures of precaution the Austrian Government did take, but I am sure there are very few persons in this country who can know what measures were taken, or what measures ought to have been taken. It is quite certain, however, that the measures adopted as to Cracow were contrary to the treaty, and could only be justified by the circumstances of the time, namely, the state of intrigue going on in Cracow, and the daily expectation of a rising taking place there, and the state of disturbance in which all the neighboring provinces were, namely, Gallicia, the duchy of Posen, and the duchy of Warsaw. This was the cause of moving troops into Cracow, which, as the noble Lord says himself, the day after their arrival there, it was found necessary to withdraw. Whether that necessity was on account of the extent of the insurrection existing in Cracow, or on account of the insurrection immediately behind them amongst the people of Gallicia, I do not pretend to judge; but it is clear that it was necessary to withdraw the troops, and on their withdrawal occurred the subsequent events in Cracow. But the Austrian Government were not to blame for this. They did not send an army, as was stated by the noble Lord; but they sent, I believe, a corps of 5000

troops, which certainly cannot be called an army. The noble Lord has thought proper to blame the Austrian Government for not taking precautions and carrying on operations in a particular manner within the province of Gallicia. I do not know that any person here is able to tell the House what operations ought to have been carried on by the Austrian Government under the circumstances of the case. On this subject the noble Lord has greatly blamed the Austrian Government, while he praises the Prussian Government for its conduct in the duchy of Posen; but this House has nothing to do with either of these transactions. It has nothing to do with the merits of the Prussian arrangements, or with the demerits of the Austrian arrangements. What it has to do with is simply the breach of treaty; and I have no hesitation in saying that, if ever a breach of treaty was justifiable, this is the case. The noble Marquis has accounted for all that has occurred subsequent to the occupation of the city of Cracow. The whole of the neighboring country, that is, the duchy of Warsaw, the duchy of Posen, and the province of Gallicia, was the theatre of war. It might have been convenient for military operations to have a larger or a smaller body of troops in the city of Cracow. The noble Lord says, at one time there was only a very small corps of Russian troops there, and these were afterwards joined by a body of Austrian troops, and subsequently by a body of Prussian troops. A Prussian army, a Russian army, and an Austrian army were in operation in the three provinces surrounding Cracow, while these three bodies of troops were in the town itself. But it was not convenient to leave all these troops in the city of Cracow. Some, therefore, were withdrawn, and at length the Austrians were left there alone; but it is not to be supposed that, because the Austrians were left alone in Cracow, therefore the independence of that city was destroyed, and that it was made over to the Emperor of Austria. It was necessary for military operations at that moment that a portion of the troops should be withdrawn, and there was no political object in view in it, nor anything in any manner affecting the independence of the city of Cracow. I do not know what peculiar circumstances there were; but I understood, when I was in Her Majesty's Councils, that the three Sovereigns had then under their consideration measures for re-establishing an independent Government in the city of Cracow, and placing it in a state of independence, when, of course, the old

articles of the Treaty would be revived, and no troops would remain in the place. I cannot say how far these arrangements may have proceeded; but I am quite certain that it would be better for this House to adhere strictly to those points in which this country has a right to interfere, and not to step forth for the purpose of interfering in the internal government of other parts with which we have nothing to do.

Motion, as amended, agreed to.

[SIXTH SESSION OF THE FOURTEENTH IMPERIAL PARLIAMENT.—TENTH VICTORIA.]

April 26, 1847.

ARMY SERVICE BILL.

The order of the day for the second reading of this Bill was read.
Earl GREY and Viscount COMBERMERE having spoken,

THE DUKE OF WELLINGTON said:

My Lords,—Certainly it was unnecessary for my noble friend (Viscount Combermere) to apologise for addressing your Lordships on this subject. There is no officer in the service better qualified than he is, from his long experience and acquaintance with military transactions in most parts of Europe and Asia, to judge of the effect likely to be produced by the measure under your Lordships' consideration. I agree with my noble friend with respect to the importance of this measure in its bearing upon the interests of the army; and I assure him that, if I thought it was calculated to deprive the army of its old soldiers, I should be the first to object to its adoption. But, having well considered the measure ever since it first came under the deliberation of Her Majesty's servants, it is my opinion that it will not lead to any diminution of the number of the old soldiers in the service. My Lords, I maintain that old soldiers are absolutely necessary to the very existence even of the army. I will not direct any observations as to what ought to be the condition of the army when engaged in active service, because I am aware that it is unpalatable to a British House of Parliament to consider in time of peace what is necessary in a period of warfare. I will, therefore, only refer to the army in time of peace. I say that you must have the best

disciplined troops in the army which you maintain for the service of the country. This country cannot exist without such a body in its service; and I earnestly entreat your Lordships to attend to that circumstance in dealing with this measure, and to take care that it shall not deprive the country of the services of its old soldiers. It is they who set the example, it is they who maintain discipline and good order, it is they who at all times put themselves at the head of all great enterprises, and it is they upon whom you must rely for the performance of those services which are required from an army in time of peace as well as in war. I must observe that, although this country has been under the protection of treaties of peace for thirty years and more, I have, during that time, had under my consideration military operations of great extent and importance, not only in the Mediterranean, but in North and South America, and all over Asia, nearly at the same time; and if you had not had the strictest discipline and the best troops in the world, it would not have been possible for you to carry on those operations. Look, my Lords, to the case of China: in that case it was necessary to transport troops from Australia and land them in China, where they were called upon to act on rivers, in creeks, and upon islands, in concert with the ships of Her Majesty. They succeeded in effecting all that was expected from them. How was that done? It was done by the discipline of your troops—the discipline maintained by the old soldiers. They were the men who led the younger ones; and, acting all together, they are able to achieve any conquest. I may also, my Lords, refer to another transaction mentioned in the despatches of my noble friend Lord Hardinge. One night, during the operations against the Sikhs, a regiment was lying on their arms, and Lord Hardinge was lying on the ground at their head. The enemy opened a fire upon them, and annoyed them very much, in consequence of which my noble friend ordered the regiment to rise and advance upon the guns. The order was obeyed and the guns were captured. This was at night, remember. Now, my Lords, I ask whether such a feat would have been performed, under such circumstances, except by old soldiers? It would have been impossible. Bear in mind the conduct of the Emperor Napoleon with respect to his old soldiers; remember the manner in which he employed them; recollect, too, how much they are prized in every service all over the world; and then once more

I will entreat your Lordships never to consent to any measure which would deprive Her Majesty's service of old and experienced men, and thus pave the way for disasters which would assuredly follow when the army should come to be employed in war. It is my opinion, however, that the present measure is not calculated to have such an effect. It is my opinion that, considering all the circumstances connected with this measure—considering the comforts which the soldier already enjoys—considering the other advantages about to be conferred upon him, it is not likely to be attended with the effect of diminishing the service of the old soldiers. I beg to remind your Lordships that the servants of the Sovereign of this country have always had it in their power to enlist soldiers for limited or unlimited service; at least such a power has been vested in them since the failure of the experiment of 1806, to which my noble friend referred. The Government fixed the amount of bounty, which, as has been truly stated, regulates the enlistment for limited or unlimited service, and therefore the proposition of limited service is not exactly new to the army. It is new, practically, as far as this, that there are not now any limited-service men in the army, except in some of the bands. In point of fact, the whole of the army at the present moment is enlisted for unlimited service. It is now proposed that henceforth men shall enlist for limited service. The noble Earl who so ably addressed your Lordships in moving the second reading of this measure, anticipates that one of its consequences will be, that a superior description of men will be induced to enlist in the service of Her Majesty. I sincerely hope that such a result will follow from the adoption of the measure, but I confess I very much doubt it. But, putting that out of the question, I believe that, looking at all the circumstances of the case—looking at the advantages held out to the soldier, in the rewards given after ten, fifteen, and twenty years of service—the army will suffer no injury from the measure, and that the soldiers will re-enlist at the end of ten years' service. That being my opinion, I requested the noble Lord at the head of the Government, and the Secretary at War, to insert into the Mutiny Bill, and into the present measure, a clause to enable them to re-enlist at the end of ten years' service. I believe that, under the circumstances, they will re-enlist. I therefore have no objection to try again the measure of limited enlistment, and I entreat your Lordships to adopt the measure.

It is my firm belief that this measure will make no difference in the number of old soldiers in the army. It is quite clear, from the statement of the noble Earl, that the soldier who re-enlists will, at the expiration of his second period of service, that is to say, twenty years, if he be a well-conducted man, be entitled to the accumulated good-conduct rewards, amounting to 4*d.* a-day, as well as to the present pension of 6*d.* a-day, making altogether 10*d.* a-day; and if the proposition adverted to by the noble Earl be adopted, and the pension fixed at 8*d.* instead of 6*d.*, the soldier would in that case be entitled to 1*s.* a-day, which was the amount of the retiring allowance established in 1806. The soldier will also be entitled to another advantage: if he be well-behaved, he will, at the end of twenty years, receive a bounty of 5*l.* Then there are the various advantages held out to non-commissioned officers, as well as good-conduct allowances after having served the number of years specified. The prospect of becoming a non-commissioned officer will be another inducement to the soldier to continue in the service. I maintain that, in consequence of these rewards for good conduct, men will acquire the habits and qualifications which are the characteristics of good soldiers, and become warmly attached to the profession in which they enjoy so much comfort; and knowing the advantage which they will eventually obtain—an advantage which is possessed by no man in any other walk of life—they will be desirous of re-enlisting and remaining in the army. All I desire is, that they should so remain, and give the country the benefit of their services during the whole period for which they are capable of serving. I do not desire this for the sake of the commanding officers. I know that commanding officers are naturally anxious to have old soldiers in their regiments instead of young men, but I do not take their wishes into consideration; I desire it for the sake of the public service. For the reasons which I have stated, I think your Lordships will run no risk of injuring the army by adopting this Bill, more particularly if the Government should make the pension for good service equal in amount to that fixed by the Act of 1806. My noble friend referred to the inconvenience which was experienced under the Act of 1806 in consequence of the men receiving their discharge at the expiration of the first period of service, which was, I think, in 1813. I recollect there was some inconvenience of that nature; but it was met as

the British army would always meet any inconvenience to which it might be exposed. The great thing is to secure the service of the men, and, if we do that, I do not care much for the inconvenience which may arise. It is true, as my noble friend has stated, that expense will be incurred in bringing the men home from distant colonies. That cannot be helped; the troops must be brought home at any cost. It is a great hardship upon regiments to be kept abroad, as they are now, for twenty, twenty-five, or twenty-six years. Many persons think that the present measure will greatly improve the service. As I before said, I hope that will be the result, though I am not so sanguine as to expect it. All that I can say is, that I shall do my best to carry the measure into execution, and to see it fairly adopted; and being convinced that it can be adopted without the risk of losing the services of the old soldiers of the army, and being certain that it is the wish of Her Majesty's Ministers, as it is mine, to retain the old soldiers in the army, I earnestly recommend your Lordships to let this measure pass. My Lords, the noble Earl has referred to two other questions, namely, the question relating to pensioners, and the question relating to punishments. With respect to the pensioners, I beg to warn the noble Earl, and I beg to warn your Lordships, against the belief that the old soldiers who are in the habit of receiving pensions are at all to be compared with the veterans of whom I have been talking. These veterans are the leaders of their regiments, they are the mainstay of the service. The pensioners may be very good men, they may do very well when embodied in another form, or even when embodied with these veterans; but they are not the men of whom I have been talking, who are the heart, and soul, and life, and courage of a regiment. My opinion is, that you will not lose these men by the measure you are now called upon to adopt; my opinion is, that these men will re-enlist. I have no doubt they will be induced to do so by the advantages held out to them. My Lords, I entirely agree with the noble Earl in the observations he made relative to punishment. I certainly wish that circumstances may enable us to diminish corporal punishment still more, and that at length it may be entirely abolished. The Mutiny Bill, which has lately passed, contains another measure, with the view of enabling the officers of the army to do without corporal punishment. The Mutiny Bill authorises officers to commute sentences of corporal

punishment for other punishments which they are enabled to inflict. I have no doubt that use will be made of that authority in order still further to diminish the amount of corporal punishment. I hope that it will be found to have still further diminished when the next return is laid before Parliament, and that finally we may be enabled to put an end altogether to a punishment which is so much in opposition to the feelings of the country. My opinion is, that this punishment, or any other punishment, has nothing whatever to do with the question of limited or unlimited enlistment. That which affects the character of the army is the hardship of the service, the regularity of the discipline, the hardships which the men are obliged to undergo in long service in our colonies abroad: it is these things which affect the popularity of the army. Punishment has not the smallest effect upon it. What I want to see is good conduct prevail by means of those inducements which produce good conduct among other classes of society—not by punishment, not by fear, but by good treatment and justice. I believe that these effects can be produced; I believe that the system of education which is encouraged by Her Majesty's Government will have a great effect in producing that good conduct, and in rendering the soldier aware of the superior benefits he enjoys compared with other classes of men in the same ranks of life. I do not believe that the measure will have the effect apprehended from it by my noble friend (Viscount Combermere), namely, the removal of the old soldier, and therefore I entreat your Lordships to adopt it.

Bill read a second time, by a majority of 14.

May 4, 1847.

LANDED PROPERTY (IRELAND) BILL.

The Marquis of LANSDOWNE, on moving the order of the day for the House to go into Committee on this Bill, proceeded to explain its purpose and object, and concluded by moving that the order of the day be now read.

THE DUKE OF WELLINGTON said:

My Lords, during this Session of Parliament I have contributed my support to various measures which have been proposed by Her Majesty's Government with a view to apply a remedy to

the misfortune which has occurred in the last year in Ireland: but I must say that, of all the measures which have been proposed by Her Majesty's Government, that one which the noble Marquis has just adverted to, and the provisions of which he has just stated to your Lordships, is the one which, in conjunction with one, the second reading of which was proposed by my noble and learned friend the Lord Chancellor a few nights ago, is best calculated to secure the object Her Majesty's Government are seeking to obtain —a Bill which appears to me most calculated permanently to lead to the improvement of Ireland, and to the relieving it from the effects of that great misfortune by which it has recently been visited. My Lords, I am not at all desirous of throwing any impediment in the way of this Bill; and I am perfectly certain that there are many of your Lordships more capable than I am of stating the benefits which this measure is calculated to produce; but I am anxious to propose a clause in the Committee on this Bill, which I think would contribute to its good working, and remove a practice in the social system of Ireland which I think has tended greatly to aggravate the misfortunes of that country, if it has not been the principal occasion of them. The practice I allude to is that of making land supply the place of the circulating capital of the country, and pledging the land for the purpose of paying the wages of the laborer. I say, my Lords, that this is one of the causes and one of the greatest aggravations of the existing evils of Ireland, and the consequence is that the Government has been obliged to come forward to give relief by employing large numbers of the laborers of the country upon the public works. This practice is most injurious, for those persons who require the services of the laborers let their land, and, instead of paying them wages as laborers, they oblige the individuals who take the land to work out the rent. The consequence is, that the laborer who is wholly dependent for his subsistence upon the produce of his land finds that his labor is mortgaged for the rent, and at the same time, being without assistance, when his strength fails him he has no resource, and is compelled to resort to the Government works. And what becomes of his employer, the farmer or small gentleman who employs him, under this system of making land the circulating medium of the country and the wages of labor? When difficulties occur, and his capital fails him, and his laborers are incapable of work, he has no resource—he is not in the habit of laying

by capital—he has none—and he can employ no labor. Thus distress, when it comes, affects everybody, and the Government is compelled to employ the laborers of the country, and to give them food. Under these circumstances, my Lords, it appears to me that you cannot apply an effectual remedy to the evils of Ireland, unless you enforce the necessity of paying the wages of the laborer in the current coin of the realm; and in the Committee on the Bill I shall propose a clause requiring that all bargains for the wages of labor shall be made in the current coin of the realm, and that the payment of wages shall be enforced in the same, and that the laborer shall have a claim for the payment of his wages in the current coin of the realm, notwithstanding any bargain with his employer to the contrary. I will lay this clause upon your Lordships' Table, and I will move it either in the Committee or on the bringing up of the Report.

Bill passed through Committee.

May 11, 1847.

The Marquis of LANSDOWNE, in moving that the report of the Committee on this Bill be received, said he feared that the amendment proposed by the noble Duke (Wellington) would be in many instances evaded; but that he was so anxious to see that principle carried out, that he should propose to introduce words into the Bill recognising that principle.

THE DUKE OF WELLINGTON said:

My entire object would not be obtained by the enactment in this measure proposed by the noble Marquis. My object is to produce an alteration of the present system generally throughout the whole of Ireland. My opinion is that the greater part of the evils of Ireland have been occasioned by the course followed there with respect to the laborers; and I am anxious so to change the system that these laborers shall be paid wages in money, either by the half-day, day, or week, as might be arranged. The evil at present consists in paying labor by means of land, out of which the poor laborer is forced to raise his subsistence and the rent imposed on the land. This evil is felt in Ireland more than in any other country in the world. It is one fatal to its prosperity, and I wish to apply a remedy by substituting for such a practice the payment of money-wages. The proposal now made by the noble Marquis, although it does not

provide against the whole evil, yet will do so to a certain extent, and I therefore thank the noble Marquis for having brought it forward. I am firmly convinced, however, that till we come to a final arrangement as to this matter we shall not obtain the object we have in view with reference to the laborers of Ireland, or raise them to the same condition with the laborers of this and other countries; and I repeat that this will be never done till the system of keeping them, as at present, on the land, there to raise the means of subsistence for themselves, is abandoned, and the mode adopted of paying their labor in money.

Amendments agreed to.

May 18, 1847.

ARMY SERVICE BILL.

The House went into Committee on this Bill.

The Earl of LUCAN moved as an amendment that twelve years' service be substituted for ten in the infantry, artillery, or other ordnance corps.

Viscount COMBERMERE supported the amendment.

THE DUKE OF WELLINGTON said:

I shall confine myself to the amendment of the noble Earl, because on a former occasion I stated my reasons for thinking that your Lordships might safely adopt the principles of this Bill, and that there is every reason to believe that you will retain the old soldiers in the army under the Bill as it stands. I stated my reasons on that occasion, and I only revert to them now to state that they have not been at all shaken by what has passed during this debate. My opinion is that the advantages held out to soldiers by the warrants of Her Majesty and the late Sovereign, which insured good conduct as far as it can be insured by law, and which give to the soldiers that which is best for them—the habits of good conduct—more especially by the warrant recently issued, securing to a man at the end of twenty or twenty-one years' service, together with the good-service money which he may have received during the twenty or twenty-one years, a pension amounting altogether to 1*s.* a-day—that these advantages do give us every reason to believe that the services of the old soldiers will be retained with their regiments, and, that being the case, I think that that which it is most desirable to retain will be retained for

Her Majesty's service. I sincerely wish that this new state of things in the Army may enable Her Majesty's Government and the officers in command to make a discharge from the Army considered a punishment. This is a most desirable object; and this feeling does exist in two or three regiments. It exists, I believe, in the corps which are immediately about Her Majesty's person. I wish to see the same object attained in all parts of the service; and the system proposed in this Bill does, I think, give a prospect that it may be attained. My Lords, there are many modes by which this may be accomplished, but this is the mode proposed by Her Majesty's Government, and adopted by the other House of Parliament, and I therefore recommend your Lordships to adhere to the mode proposed in the Bill now before you. I do not think the noble Lord has made out any case for his proposition. I beg your Lordships to keep that object steadily in your view—the object of retaining the old soldiers in your service during the whole time that they are capable of rendering service; and my opinion is that this may be attained as well with ten as with twelve years' service. Make dismissal a serious punishment, and in the mean time retain the services of the old soldiers as long as you can. I confess that I do not understand exactly the meaning of the noble Earl when he speaks of the object to be attained by allowing commanding officers to get rid of bad soldiers at the end of their term of service; for they may be got rid of as easily at ten as twelve years. But, my Lords, I do not want to get rid of the services of any men; and my opinion is for the adoption of the measure proposed by Her Majesty's Government, believing that, in the allowance for good service, and in the pension of 1*s.* a-day, the great object which I have stated will be attained. There is only one other point to which I will refer relating to the question at large,—I mean the difficulty and inconvenience of providing for the relief of troops under the Bill as it stands: but I entreat your Lordships to remember, throughout the consideration of the question, that the law of this country has invariably enabled the Government to raise men for seven, fourteen, or twenty-one years' service; it has always been in the power of the Government to order an enlistment for any period; and the person filling the office which I have the honor to hold must have obeyed the order. Now, as to the inconvenience and difficulty attending the relief of troops, the Government is perfectly aware that it is bound to provide for the removal

of all, and for the relief of troops at their period. In respect to climate, the noble Marquis seems to have forgotten that every regiment serving abroad has a depôt of men in this country to fill up the places of those who are serving abroad; and it will, of course, be the business of the officers to take care that men are sent out regularly to fill up vacancies as they occur in regiments serving abroad. Such an arrangement will undoubtedly entail expense; and the expense must be incurred: but if the service derives advantage from the system, for that expense the country will, in my opinion, be amply compensated. I see no reason, my Lords, for the amendment proposed by the noble Earl. I do not think that the principles upon which the Bill rests have been at all shaken by this night's discussion, and I cannot therefore recommend your Lordships to adopt the amendment.

Amendment negatived by a majority of 8.

DISCHARGE OF SOLDIERS IN INDIA.

Earls ELLENBOROUGH and GREY having spoken on this subject,

Lord STANLEY thought, on a question of such importance, he was justified in appealing to the noble Duke at the head of the army, for his opinion on it.

THE DUKE OF WELLINGTON said:

I think it would be exceedingly inconvenient to discharge soldiers in India, and not leave them under the control of military commanders. I conceive that it will be most necessary that they should remain under the control of their usual commanders until they reach their proper port of embarkation; and, above all things, I deprecate soldiers being sent home aboard ship, without being continued under the direction and control of their usual commanders, or, at least, under some military discipline. No doubt the men, when they quit the army, ought to be sent home; but there would be great inconvenience in their being set free from military restraint until they reach this country.

June 15, 1847.

PORTUGAL.

Lord STANLEY moved a resolution condemnatory of the recent interference of Great Britain, by force of arms, in the internal affairs of Portugal.

The Marquis of LANSDOWNE opposed the resolution.

THE DUKE OF WELLINGTON said:

I have listened with great attention to the very excellent speeches which have been delivered on both sides of the House. Agreeing, as I do, in all those parts of the speech of my noble friend (Lord Stanley) which relate to the interference of this Government with the details of the Governments of other countries, I must nevertheless say that this country has an essential interest in preserving the peace, in maintaining the Government, and, if possible, in preserving the tranquillity, of every country in the world, because, in fact, we have most important interests connected with every country on the face of the globe. It is a proud circumstance in the policy of this country that it does not interfere with the internal affairs of other countries, but throughout the world endeavors to maintain its relation with foreign states by taking a special interest in the preservation of their internal tranquillity, and of maintaining the due powers of the Governments with which we are in friendly alliance. Agreeing, as I do, in the absolute necessity of the Government of this country refraining from all interference in the details of any other Government, I still must express a hope, and, as far as I possess any knowledge on the subject, I am willing to believe, that it is impossible a British ambassador or a British minister can exist in any country in which he cannot exert a most important and predominant influence in maintaining tranquillity in that country; and moreover I consider that it is in the power of such minister to exercise great influence over society in the country in which he resides. Possessing this power and this influence, it becomes his duty to exert it for the purpose of maintaining tranquillity in such country, and giving stability to the Government existing in it. Declaring, as I do, my conviction, and that for other reasons than those entertained by noble Lords on both sides of the House, that there should be strict abstinence observed in the exercise of any right of interference with the internal affairs of any Government with which we are in a

state of alliance, I still maintain that it is the duty of the ministers of Great Britain, wherever residing, to watch the proceedings which are taking place in every country with which the Sovereign of England has intercourse, and to endeavor, by all the means in their power, to maintain its tranquillity and the authority of its Government. My noble friend (Lord Stanley), in the course of his eloquent speech, upon more than one occasion stated that he had no reason to complain of any particular act of interference on the part of Her Majesty's Government in the course of the transactions that occurred in Portugal. In truth, every circumstance of which my noble friend more particularly complains either happened during the Cabral Administration, or under the influence of the Cabral party. Now I believe that the noble Marquis (Lansdowne) truly states the case when he says that these transactions occurred in consequence of the non-interference of the Government of this country; and that it was for want of sufficient interference by England during the administration of this person, Costa Cabral, that such occurrences took place. There is no doubt whatever that all the acts complained of since the dismissal of Cabral, and during the administration of the Marquis de Saldanha, took their rise from the system pursued by Cabral himself. I believe that every word the noble Marquis (Lansdowne) has said upon this subject is perfectly true. I believe that the measures of the Portuguese Government at that time were frequently remonstrated against by our minister at Lisbon. The noble Lord who was British minister there did on many occasions remonstrate and urge upon the Portuguese Government the necessity of conducting their proceedings upon proper principles, and, as far as it was in his power, he endeavored to make them do so. This has been the common course of the British minister ever since the re-establishment of the Cabral party in Portugal. But, notwithstanding our friendly interference, and the efforts made by the British minister to do the utmost he could to put an end to these practices on the part of the Portuguese Government, from a desire to maintain the authority of the Queen—notwithstanding all this, there is no doubt that Portugal was at this time in a state of considerable disturbance and misgovernment. There is likewise no doubt that, although it should prove we are under the obligation of avoiding all interference with the internal affairs of Portugal, yet it is true, as stated by the noble Marquis, that our old relations with Por-

tugal, our commercial relations with Portugal, our political interest in the position which Portugal should maintain among the independent kingdoms of Europe, and, consequently, in preserving tranquillity in Portugal, that all these considerations require that England should exercise its friendly influence in preserving quiet, order, and good government in that country. In saying this I am not countenancing any interference with the internal details of the Portuguese Government. All that I contend for is, that this country has a right to exercise that legitimate influence which belongs to every friendly Government which is considered necessary for maintaining tranquillity among the people. It cannot be denied that it is a duty of this Government to provide means of protection for the subjects of Her Britannic Majesty who are residing in Portugal. It is right that we should have a sufficient force near that country to protect their lives and property. It does so happen that we have such a force. Now my noble friend (Stanley) said, that whether the Government of the Sovereign of Portugal was misconducted or not—whether the civil war was misconducted or not—still the person of the Sovereign ought not to be endangered; and that the officer commanding the naval force of this country which is on the spot ought to give protection to that Sovereign. In this opinion I entirely concur. Here was a country in a state of general insurrection, with its military force nearly equally divided. No great military event occurred, but the country was governed by two parties; there was the Government of the insurgents at Oporto, and the Government of the Queen at the head-quarters, Lisbon. The Queen's forces were at the latter place, the insurgent forces at the former. The parties were nearly equally divided, so equally divided that neither party appeared capable of putting a speedy termination to the contest, and in that case our minister interfered with a view to the causing a formal suspension of hostilities. In addition to this it was found that there was nearly also an equality of the two parties at Lisbon. Such was the state of things, and such the balanced position of the adherents of the Queen of Portugal and of the insurgents, when it was ascertained that the general commanding the insurgent troops at Oporto, consisting of 3000, 4000, or 5000 men (whatever the number might be), had embarked them at this port, with the intention of taking them down to Lisbon, to make sure of the dethronement of the Queen—to make

sure of the necessity of Her Majesty quitting her palace, and possibly being obliged to seek protection on board the British fleet. Was this an object which it was desirable for this country to see accomplished? On the contrary, was it not an object which it was desirable for this country, under any circumstances, to prevent? That object was prevented. The attempt to send these troops to Lisbon was put down. The officer commanding the British fleet off Oporto was instructed to blockade the Douro; and when Colonel Wylde, who was employed in conducting a mediation between the contending parties, found that he could not prevent hostilities by an armistice, he then gave notice to the general and to the insurgents at Oporto that he would not permit them to go from Oporto for the purpose of putting an end to the Queen's Government at Lisbon. Was it possible for the mediator to act otherwise? or could he permit these hostilities to go on? The effect of a mediation, in a public point of view, is that of a national mediation, and in this case the real mediator was Her Majesty the Queen of England. Now your Lordships must know that a mediator, as such, must be possessed of some degree of naval or military power to sustain its guarantees. In the present instance was it possible for Her Majesty to provide a force in any other manner than by the equipment of a fleet? Mediation alone, if not provided with an adequate force to carry it into effect if necessary, may be depended on too much. But not being able to mediate by ourselves in this matter, the Government of Portugal asked the mediation of two other countries—France and Spain; and I think that the British Government was quite right in joining these two countries in conducting the mediation, and, if necessary, in enforcing it, and, in all probability, thereby securing the Queen of Portugal on her throne. I hope these three mediating powers, England, France, Spain, will take care to make proper arrangements for the tranquillity of Portugal, if possible, by means of mediation alone. I certainly should be happy to see this mediation, instead of being established and conducted by one country, conducted and established by two or three. The independence of the country which requires the mediation to be exercised would be better secured by there being a number of mediators than if there were only one. This my noble friend (Stanley) must readily acknowledge, the moment he reflects that no independent act can be done by France, England, or Spain alone in the affairs of Portugal; but that there

must be a joint action and a joint influence exercised in regard to that country, or none at all, excepting so far as any such may arise from the good understanding existing between Portugal and any of the mediating powers. I think the Government of this country was justified, when the Queen of Portugal asked it, in conjunction with two other powers, to mediate between her and her revolted subjects, to accede to that request, and to enter upon that mediation with a perfect good understanding with France and Spain. And here I must observe that by the course which Her Majesty's Government took they have brought this question to a stage at which, for the moment at least, an end has been put to all danger, and that there is no longer any necessity for those preparations of force which at first it was deemed prudent to demonstrate. Nay, I believe that, since the intelligence of the seizure of the insurgent general and his troops, a suspension of hostilities has been agreed upon between the Government of the Queen of Portugal and the Junta at Oporto. Under these circumstances, I will ask your Lordships whether it would be wise or prudent for us to come to a vote of censure against the Government for what they have done in this matter? If your Lordships are of opinion that Her Majesty's Government ought to settle this question as soon as possible, what, I will ask, would be the effect of an adverse vote by the House of Lords on their proceedings? If, indeed, your Lordships passed a vote approving of all that has been done, then it might aid our efforts in accomplishing the object that we are seeking to attain; but my noble friend (Stanley) has called upon your Lordships to pass a vote of censure upon the course which Her Majesty's Government have pursued. Should your Lordships accede to this invitation of the noble Lord, the effect of it will be to prevent Her Majesty's Government from having an opportunity of bringing to a successful issue the mediation which they have undertaken, and which they have hitherto conducted in so satisfactory a manner. I hope, therefore, your Lordships will not vote for the resolution moved by my noble friend; and, for the reasons I have stated, I certainly myself cannot support it.

Motion negatived by a majority of 19.

[SEVENTH SESSION OF THE FOURTEENTH IMPERIAL PARLIAMENT.—ELEVENTH VICTORIA.]

April 19, 1848.

CROWN AND GOVERNMENT SECURITY BILL.

The LORD CHANCELLOR moved the second reading of this Bill.

Lord STANLEY, Lord BROUGHAM, and Lord CAMPBELL, having spoken,

THE DUKE OF WELLINGTON said:

My Lords, I am one of those who highly approved the object of the Bill now before your Lordships; at the same time I agree with the noble Lord (Stanley) in regretting that Parliament has not been allowed more time for its consideration. But, my Lords, I conceive it is absolutely necessary that some measure of this nature should be adopted, and that due consideration should be given to it for the purpose of making it quite efficient, in order to oppose some check to those great, those gigantic meetings, by which this country and the sister kingdom have been disturbed during the last year. My Lords, we have at last come to that stage at which the law is defied, and is the contempt of every one of those persons who break it. When the Government instituted proceedings against three persons for a misdemeanor, it happened, owing to the state of the law as it stands up to the present moment, that, after these persons were brought before the magistrates, and bail was taken for their appearance upon their trial, one of them continued to commit the same offence with which they were charged, by means of speeches and writings, in addition to what they had previously done; the two others carried out their attempts in an offensive—I won't say treasonable—mission to another country, aggravating the charge against them by going, when on bail, to a foreign country to excite foreigners to invade Her Majesty's dominions. What is this but an aggravation of the offences already committed, and a further proceeding in contempt of the law? My Lords, this contempt of the law is growing in this country every day. From the want of respect for the law—of that respect for the law which has been characteristic of this country for ages—matters are come to such a pass that there will be no authority in the country, and no means of supporting the law except by the use of physical force. I am anxious to guard against the country coming to that state. My Lords, this is the

state of things, and I have observed in a most marked manner the progress which has been made in recent years in this contempt of the laws of the country. Some years ago it happened—I believe in the year 1831—that there were extraordinary riots at the same moment at Bristol in this country, and at Lyon in France. It is certainly true that great outrages were committed at Bristol, that the Bishop's palace was burned, that the jail was burned, and that great injury was done. The riots continued some days, though a military force was employed to give assistance to the civil power. But the officer who commanded that force was considered not to have done his duty; and certainly, in the presence of the troops and of the magistrates, the Bishop's palace was destroyed by fire. The disturbances continued, but the magistrates got the better of it, and saved the city of Bristol from entire conflagration, by the assistance of one single squadron of Light Dragoons, under the command of Colonel Brereton, who performed his duty; and that was the whole force which put an end to that disturbance in Bristol in 1831, and saved that city from entire destruction. But what was the case at the same period in Lyon? The population of the two towns is, I believe, about the same. One is a port, the other is inland. However, it took an army of 60,000 men, under the command of a Marshal of France, to get the better of that insurrection at Lyon, and to save Lyon from destruction. One sqnadron of dragoons did that at Bristol which it required 60,000 men to perform at Lyon. My Lords, I attribute the different success of those two efforts to the respect which prevailed at that time in England for the law; to the feeling which every man had that he was disobeying the law by joining in that insurrection. Respect for the law it was which then saved Bristol. We are certainly not now in that happy position. It is true that without the exercise of force we have seen large bodies of persons who had collected in the vicinity of this city quietly disperse; but that was not out of submission to the law. Was not the whole population of the city, civil as well as military, under arms? Were there not several hundred thousand persons embodied as constables? Were they not organised and directed by persons capable of directing them? Were there not thousands of troops under arms? and were there not thousands of police in readiness to act if need were? Can it be said, then, that it was respect for the law which prevented an outrage being committed by the persons to whom I have referred?

But what passed on that very night, on the following night, and on nearly every night since? Why, a repetition of the very same proceedings which it is the object of this measure to prevent. Is that respect for the law? No, there is no such thing as respect for the law under such circumstances. My Lords, I say that this want of respect for the law, which, if it continues, must be fatal to the greatness of this country, if not to its very existence, is to be attributed to the transactions which have taken place in Ireland within the last few years. We have seen hundreds of these monster meetings year after year, month after month, week after week, ranging through that country with impunity. We have heard of seditious and treasonable speeches made at these meetings; we have heard of men being put upon their trial for sedition in connection with these meetings; and we have heard of men who were acquitted of the charge of sedition on some point arising on the trial. Why, my Lords, all this tends, I say, to the same point—to create a contempt for the law. I therefore entreat your Lordships to pass the Bill. I am particularly grateful to my noble and learned friend opposite (Campbell) for the manner in which he has explained it. I particularly approve of the Bill, and I hope it may have a tendency to induce some respect for the law. But I beg your Lordships to observe that you place the Lord-Lieutenant and the Government of Ireland in an exceedingly awkward situation in relation to the monster meetings if you only allow them to act after having before them evidence on oath of something dangerous to the public peace having been done, and do not allow the Lord-Lieutenant to proceed upon his own sense of the state of the public peace, and of his power to preserve that peace by means of the civil force placed at his disposal. I do not want to prevent discussion on any subject. I desire that the people should have the means of public discussion on every subject on which they desire to have discussion; but, my Lords, let this discussion be when they meet in such numbers that the question can be discussed, and that all who attend the meeting can hear what is addressed to them; but do not let the meeting, under the pretence of discussion, be of such a nature as, in the opinion of the magistrate, it is impossible for him to put down by means of the civil force at his disposal, and rendering it obvious that the meeting can have no other object than to create terror and overawe the Government. My Lords, I rejoice that this Bill is likely to pass as a check on

such meetings in future—meetings of a character to create terror; and I hope that your Lordships will pass this Bill unanimously in as short a period of time as possible, in order that Government may be able to take advantage of it in the approaching time.

Lord DENMAN pointed to the conduct of the general public on the 10th of April, in proof that the law was not in contempt.

THE DUKE OF WELLINGTON said:

No one can admire more than I do the general conduct of the people upon the occasion to which I have referred; and I am sorry if I have said anything which could have induced the noble and learned Lord, or any person, to believe that I had said the general public had not shown respect for the law. What I stated was, that the peaceful result of that day was to be attributed to the formidable array that was made to get the better of those who arrayed themselves against the law. I said there was no respect for the law on the part of these persons, because, as I pointed out, on that very night, and certainly on the following night, they over and over again made speeches showing their contempt of the law.

Bill read a second time.

August 14, 1848.

UNLAWFUL OATHS ACT (IRELAND) CONTINUANCE AND AMENDMENT BILL.

Upon the motion that this Bill be committeed,
The Earl of SHREWSBURY and the Marquis of LANSDOWNE having spoken,

THE DUKE OF WELLINGTON said:

I have been anxious, my Lords, to give my support to the Bill introduced by the noble and learned Lord on the Woolsack; and I should have given that support before if I had been in the House. I rose with my noble friend, the noble Marquis (Lansdowne), to support it, but, as he is a member of Her Majesty's Government, I felt it my duty to give way. I rose, my Lords, also to make some observations on the speech of the noble Earl, which was to the effect that, previous to this measure, which is the complement of those introduced by Her Majesty's Government, in order to put down open rebellion, remedial measures should be

adopted. That the noble Earl should have stated a list of Irish grievances, and of remedial measures that ought to be adopted previous to such a Bill as this which is proposed by Her Majesty's Government, is perhaps perfectly natural; but the question before your Lordships is neither more nor less than this,—whether this measure is not necessary in the first instance. This Bill is a Bill to amend and continue different Acts of Parliament, having for their object to put down secret societies in Ireland—secret societies which were known to prevail, and to have been the means of arming, promoting, and carrying on the open rebellion which took place in that country fifty years ago—secret societies which again prevailed in that country forty years ago, and were the grounds and causes of that Act of Parliament which is now proposed to be continued—secret societies which again prevailed at different subsequent periods, and required an Act of Parliament having for its object to put them down. And now, my Lords, in the reign of the existing Sovereign, laws have to be passed to put down these same societies. We have them now in a new form—in the form of clubs—prevailing all over the country, which clubs are, or may be, my Lords, the means of bringing in invaders, and of carrying on war against Her Majesty's Government in that country. These clubs can be only put down by means of the Bill proposed by the noble and learned Lord on the Woolsack; which Bill will enable Her Majesty's Government effectually to put down this rebellion. I, who know what is the nature of military operations, tell your Lordships that a measure of this kind is necessary to put down the existing state of things in Ireland without enormous disturbance and enormous bloodshed. The noble Earl has stated that hitherto coercive and not remedial measures have been adopted. Why, my Lords, a remedial measure has received the assent of Her Majesty; and, as the noble Marquis has stated, much of the time of Parliament for the last forty years has been taken up in passing or improving remedial measures for Ireland. There is not a Session, my Lords, in which many measures of that description have not been adopted by all Governments. The noble Earl has been pleased to review some of them. I feel very unwilling to follow him through that review, but he referred to some upon which I will make one or two observations. He has complained of the oaths administered to your Lordships upon taking your seats in this House; and the noble Earl seems to

think that these oaths are very unjustly imposed. I beg the noble Earl's pardon on that subject. Having been in Parliament, either in this or the other House, for a very considerable number of years, I have some recollection of the origin of the imposition of these oaths; and if I am not mistaken, my Lords, every one of these oaths was founded upon propositions in a petition presented by those who are very unwilling to take them. They demanded certain concessions on the part of Parliament—concessions with regard to objects which it was considered essential to maintain for the support and protection of that which this and the other House of Parliament, the legislature of this country, can never cease to support. They assured us, 'we are suffering because we cannot adopt the tests and take oaths which we are required to take; but we are ready to swear, as we have stated in our petitions, that we have no desire to injure the Church, that we have no desire other than to support the existing state of property in this country.' It was on these petitions—on the models of these petitions—on the contents of these petitions, as I can prove by the very words of these petitions themselves—by the contents and the assurances which they contain, that these oaths were framed. Now, I would recommend to the noble Earl to read and reflect on this matter, and he will see that there are no grounds for complaining of these oaths, and still less grounds for complaining of the provisions of the different Acts of Parliament by which these different concessions and arrangements were made for the benefit of the Roman Catholics and the people of Ireland. But I say that it does not signify what has been done, nor what remains to be done, nor what it may suit Parliament to do—I contend, and the object for which I now address your Lordships is to show, that this measure which is now under discussion is absolutely necessary, in order to maintain any Government or any society whatever in Ireland. My Lords, you have the whole country occupied by clubs organised—secretly organised—for the purpose of military organisation and operation. It is obvious that the legislature, for the last forty years at least, has been attending to this matter, and that up to this moment, with all the attention it has given to it, it has not been able to put this system down. I have even heard it said, and I believe that on inquiry it will be found to be the fact, that, in the system of agitation which has prevailed in Ireland for some years, the mobs, the enormous mobs which we saw collected and

travelling about the country in all directions, though with comparatively little mischief, were occasioned mainly by the existence at that time of a secret society. I have proof of it, that secret organisation existed in Ireland at that moment; and that these movements were directed by a system of secret operation carried on in that country. But at the present time let any one read the accounts which have been given of the parade at a review before one gentleman at Cork, when men to the number of from 2000 to 3000 were assembled, and their movements regulated by signals; and will any one attempt to say that this was not a proceeding regulated by secret communications—that these persons were not trained to obedience to those commands by signals, and that they were not brought together for the purpose of this review by the operation of secret communications from Dublin? And, my Lords, if all this took place, I ask, is not this measure necessary at the present moment to put down such mischief as that is? If your Lordships will read the Acts of Parliament which are proposed to be continued, you will see that they are already very strong; and you would be inclined to suppose that the magistrates have it already in their power to put down these mischievous clubs; but, my Lords, when you come to consider that these clubs are acting in co-operation one with another—that the magistrate who attempts to put down one of them under the provisions of any one of these Acts of Parliament, may find that he has eight or ten of them in reality to deal with—your Lordships will see that these clubs are an evil which it is necessary for the Government itself to take in hand; that it will not be sufficient for the Government to proclaim the existence of these Acts of Parliament, and to call upon the magistrates to carry them into execution; but that the Government must combine the measures that must be adopted, in order effectually to put down the existence of these clubs; and I hope that this is the object which Her Majesty's Government have in view, and that that is the course which they are determined to adopt and to carry into execution. My opinion is, that the amendment of these Acts of Parliament will enable the Government to adopt the measures necessary to effect this object, and that it is obvious that none but the Government can adopt such measures effectually. And yet it is when your Lordships are called upon by the noble and learned Lord on the Woolsack to go into Committee upon this Bill, in order to enable Her Majesty's Ministers

to adopt this complement to all that has been done hitherto for putting down rebellion in Ireland, that the noble Earl asks them to propose remedial measures. Let the noble Earl come down to the House to-morrow and propose remedial measures, and he will find the House ready and inclined, as it has always been, to listen to him in favour of any measure that may be of a remedial nature towards Ireland. But let us not be interrupted in carrying into effect this measure, which is necessary in order to enable you to preserve any Government whatever in Ireland, and then the noble Earl can be allowed to propose any measures of relief for that country which he may think advisable.

Bill committeed.

[First Session of the Fifteenth Imperial Parliament.—Twelfth Victoria.]

February 1, 1849.

ADDRESS IN ANSWER TO THE SPEECH.

Earl Bruce having moved, and Lord Bateman having seconded, the Address in answer to the Speech from the Throne, and

Lord Brougham, Lord Beaumont, and the Earl of Winchilsea, having addressed the House,

Lord Stanley moved an amendment in relation to the Colonies.

The Marquis of Lansdowne, the Duke of Richmond, Earl Fitzwilliam, the Earl of Yarborough, and the Duke of Argyle, having spoken,

THE DUKE OF WELLINGTON said:

Notwithstanding the lateness of the hour, I am anxious to avail myself of this opportunity to explain to your Lordships in a few words my view of the matter now under your consideration. I deprecate your adoption of the amendment, and I shall proceed to give my reasons for voting against it. I greatly admire the speech of my noble and learned friend (Lord Brougham), who is the person in this House most capable of appreciating the state of affairs on the Continent which renders it exceedingly difficult for this country to give efficient aid in maintaining the peace of Europe. I certainly am not able to estimate these difficulties with the same local knowledge which my noble and learned friend possesses; but I was always sensible of the extreme delicacy and difficulty attending

the situation of public affairs on the continent of Europe during the whole of the year 1848; and I was always most anxious that nothing should be done to throw the smallest difficulty or impediment in the way of the Government in carrying on our foreign relations, or that any step should be taken which could give occasion for the smallest grounds for the belief that the Government was not supported by the public opinion of this country. For this reason, I confess that I was relieved from the utmost anxiety when I heard Her Majesty read from the throne that paragraph in her Speech in which she states that she will, as soon as the interests of the public service may permit, direct that the papers relating to our recent policy on the Continent be laid before Parliament. I was gratified to hear this declaration from Her Majesty, and I hope it will have the effect of preventing a discussion on these delicate and difficult affairs, until the House has been fully informed of what occurred, and of the measures really adopted by Her Majesty's Government. Unfortunately, however, the House has already entered into a discussion of these questions, notwithstanding that Her Majesty gave grounds for the postponement of that discussion until the papers relating to the subject should be laid before the House, when your Lordships might consider the matter with a full knowledge of the facts. I am certainly aware that there is a good deal to be explained with regard to these affairs before they can be properly discussed. The noble Lord who spoke on that (ministerial) side of the House expressed a strong opinion respecting Naples and Sicily; and I am anxious to move in this House for the production of certain documents which I did not find among the Parliamentary papers connected with this question. I allude to the declarations made by the King of Naples, when he acceded to the Treaty of Vienna. He was at this time King of the Two Sicilies. It is true that he was not at first *de facto* King of Naples, because Buonaparte had military possession of Naples, and had made his brother King of Naples. But he was recognised by this country as King of the Two Sicilies; and it was in this quality that he made his treaty with His late Majesty George III. After His Majesty had obtained possession of his throne of the Two Sicilies, he accepted the Treaty of Vienna. Now, His Majesty and this country were as much bound by this acceptance as by any other portion of the Treaty of Vienna. I intend to move for the production of the document signed by His

Majesty, which is at present out of print, and which is a document of considerable importance. I do not think that it is desirable for the House to discuss such questions of foreign policy as those which have been introduced this evening, until your Lordships shall have all the necessary documents before you. It is true that my noble friend's amendment does not turn exactly upon the foreign policy of the Government; but my noble friend, and my noble and learned friend, addressed the House at great length upon this subject; and the noble Marquis also entered into this question. I entreat your Lordships, however, not to let it go forth to the people of this country, and to the people of foreign countries, that an amendment and a division took place in the House of Lords on the subject of our foreign relations. Let the Government continue their negotiations until they shall see from the papers laid before them that they ought to withdraw their confidence from the Ministers of the Crown. Under these circumstances I cannot vote for the amendment of my noble friend, and I entreat your Lordships not to give it your support.

Amendment negatived by 52 to 50.
Original motion agreed to.

March 6, 1849.

SICILY.

Lord STANLEY put a question to the Government with reference to the intervention of Great Britain in the internal affairs of Sicily.

The Marquis of LANSDOWNE, the Earl of ELLENBOROUGH, and the Earl of ABERDEEN having spoken,

THE DUKE OF WELLINGTON said:

My Lords, having stated to your Lordships, on the first day of the Session, my views on this subject, I shall now only make one or two observations. My Lords, the King of the Two Sicilies, commonly called the King of Naples, but recognised by the title of the King of the Two Sicilies when he signed the Act of Accession, in accordance with the Treaty of Vienna, inserted in that Act of Accession certain conditions on which he accepted the sovereignty, which conditions included his title of King of the Two Sicilies, and also specified the manner in which the government of the island of Sicily should be carried on. This is a part of the

Treaty of Vienna; and I say, my Lords, that this country, which accepted the Act of Accession on the part of the King of the Two Sicilies, is as much bound by the conditions stated in that Act as she is by any other article in the Treaty of Vienna. Now, it is perfectly true that this country is not bound to enforce execution of the provisions of that article, or of any other article in the Treaty of Vienna with regard to other powers. That which the sovereigns of this country do when they give a guarantee for the execution of any one point in these treaties is to bind themselves not to depart either from the letter or the spirit of these treaties. They do not bind themselves to enforce the execution by others on either side, but they bind themselves not to depart from the treaty. In this instance, when the King of Naples took upon himself the assumption of the kingdom of the Two Sicilies, he bound himself that he would never be guilty of any breach of the article contained in his Act of Accession; but if he were not to act accordingly—if there was, in consequence, a trial of arms between him and the Sicilians, or any other power—of course we are bound to remain neutral during the contest. We ought not to interfere in the affairs of Sicily against the provisions of the article contained in the Act of Accession which was introduced into the Treaty of Vienna. I say, therefore, my Lords, I hope that Parliament will find, after all the papers on this subject have been laid before them, that no step has been taken which can be construed into a breach of one of the provisions of the Act of Accession, which I take to form a part of the Treaty of Vienna.

Conversation dropped.

April 24, 1849.

THE ARMY IN INDIA.

The Marquis of LANSDOWNE moved the thanks of the House to the Earl of Dalhousie, and to the army in India, for the operations in the Punjab.

Lord STANLEY seconded the motion.

The Earl of GALLOWAY propounded that, while thanking our troops, Parliament should not omit to appoint a day of general thanksgiving to the God of battles, for the triumphs he had vouchsafed to us.

THE DUKE OF WELLINGTON said:

My Lords, I shall not oppose the proposition of the noble Lord who has just addressed you, but I do not think it exactly a

subject for your Lordships' consideration at the present moment. The noble Lord, if he thinks proper, may make such a proposition, and I think the House will willingly take it into their consideration; but that which is the object of the motion before your Lordships this day is to take into consideration the propriety of voting your thanks to the army which has fought during the recent military operations in the Punjab. My Lords, I entirely concur in the observations expressed by the noble Marquis in making this motion, and by my friend (Lord Stanley) in seconding the motion made by the noble Marquis. My Lords, it has fallen to my lot to know, and to have to consider, the great difficulties under which this war has been conducted. And, my Lords, I must say, that in no case have I seen stronger instances of good conduct than in carrying on the operations of which it is now proposed to your Lordships to pronounce your approbation. My Lords, this war originated in the dishonor, perfidy, and faithlessness of the servants and officers of the native Government of Lahore. The Governor-General, being, under the articles of treaty, the guardian of the infant Maharajah of the Punjab, was bound by this treaty to control the acts of his Government, and to give his assistance in carrying on its operations. My Lords, all the servants of the Lahore Government betrayed their trust. As the noble Lord has stated, Dewan Moolraj, the governor of Mooltan, and of the country under the subjection of that fortress, betrayed his trust, and refused to deliver the command to the officers sent to relieve him, and murdered the two gentlemen sent by the British Resident to superintend the delivery of the fortress to the officers selected by the Maharajah, under the superintendence of the British Resident, to take the command. This act of treachery and insubordination was followed by the revolt of the whole country in the neighbourhood of Mooltan; and, my Lords, it was followed by degrees, one after another, by the treacherous revolt and insurrection of all parts of that country; by the revolt of no fewer than three other fortresses, all of which refused to obey the orders of the Government, the troops being, at the time, in a state of mutiny and insurrection, all of which had to be got the better of at the same moment. And all this, my Lords, occurred at a season of the year during which it was utterly impossible to put in the field any European troops; it was, indeed, scarcely possible to keep the native troops in the field; but the European

officers and troops could not take the field at all at that season of the year. But, my Lords, by the care and attention of the Governor-General and the officers of the British Government, and of the commander-in-chief and the officers of the army, a body of men was by degrees collected, and that force was attended and assisted by a body of artillery and sent to Mooltan, which place had been previously invested. Another force was sent to the Punjab, to aid and support the garrisoned places of Lahore and the other places within the Sikh territory under the treaty. My Lords, the siege of Mooltan could not be commenced until the month of September, notwithstanding that the original atrocities of the murder of the two officers, mentioned by the noble Marquis, occurred on the 9th of April. But the ground was broken on the 7th of September. On the 14th of September, after a good deal of progress had been made in the siege, after a gallant attack made in order to lodge the troops in a certain portion of the town which it was necessary for them to occupy in order to carry on the siege with advantage, it was found necessary to raise the siege and withdraw the army a certain distance until reinforcements could be received, because the Sikh army, under the chief who has been since combating with the Indian army, had revolted and gone over to the enemy. It was on the 14th September when the siege was raised; but the care of the Governor-General, and of the general officers in command of the troops in different portions of the country, had provided measures for bringing troops from all parts, to the great undertaking of pacifying the country under these circumstances. A force was sent from Bombay, and arrived at Mooltan on the 26th September. On the very next day the city of Mooltan was attacked by General Whish, and the troops who had arrived under the command of General Dundas and these Bombay troops carried some of the works that defended the city, and took possession of part of that place. I mention these circumstances in order that you may vote to General Dundas your thanks for the part he took in the capture of Mooltan, and to the troops under his command who were brought into that attack and to that siege after such a march as it is from the Indus to Mooltan in the very worst season of the year, and who arrived in time and in such a state as to be put in line and make the attack on the following morning. I mention these circumstances to the credit of General Dundas, because they are among the remarkable

circumstances of these operations. While this siege was going on, the Governor-General and the Commander-in-Chief had formed a force to cover the besieging army and keep the country in tranquillity, which was generally in a state of insurrection, and also to observe the movements of those large bodies of troops which were collected on the frontier and prevent them from disturbing the operations of the siege. The Commander-in-Chief, my Lord Gough, put himself at the head of the covering army, and had to fight those actions to which the noble Marquis has adverted, and which he did with uniform success in each of them, though, no doubt, loss was sustained in some of those actions. But with regard to Mooltan, when it is recollected that this strong place was provided with arms, and that without conditions it surrendered on capitulation when the breaches were opened and the storming parties were preparing to attack those breaches, and that this place fell into the hands of our army without loss, I think that it may be set down that, on the whole, the service was effected with smaller loss than could have been expected under any circumstances. My Lords, after the siege of Mooltan the army that had besieged and taken it was put in march to form part of the army under the command of my Lord Gough, which had been covering the operations of the siege. It made a forced march, and joined Lord Gough's army at the very moment at which the junction became of most importance. It joined on the very day previous to that on which the battle was to be fought, and again, as it has been stated by the noble Marquis, and on the very following morning the troops were in a state to be able to take their station in line against the enemy, and to take their place in the battle which was fought on the 21st of February. My Lords, I cannot but think that General Whish and the officers of that army are deserving of your Lordships' commendation for these services. My Lords, I have already stated to you the course of the operations carried on with a view to cover the siege and keep the country in a state of tranquillity during that great operation. Several actions were fought, and my noble friend has adverted to a circumstance which took place in one of these (the retreat of the 14th Dragoons). My Lords, it is impossible to describe to you the variety of circumstances which may occasion mistake or disarrangement during an engagement in the operations of any particular force at any particular moment. An inquiry into these circum-

stances has been instituted, and I have seen the report of that inquiry. It happened that these cavalry had to conduct their operations over a country much broken by ravines and by rough jungles, which rendered it impossible for the troops to move in their usual regular order. It happened that the officer commanding the brigade of which this corps formed a part was wounded in the head during the advance, and was obliged to quit the field. The officer next in command, being at a distance from the spot, was not aware that his commanding officer was obliged to withdraw from the field. Under these circumstances the word of command was given by some person not authorised, and of whom no trace can be found, and some confusion took place, which, from the crowd and the circumstances of the moment, could not easily be remedied. But it was remedied at last, and all were got in order, and the corps successfully performed its duty, as I and other noble Lords around me have seen them perform it on other occasions. My Lords, these things may happen to any troops; but we, whose fortune it has been to see similar engagements in the field, feel what must be felt by all your Lordships, that the character of a corps must not be taken from them by scraps in the newspapers, but the facts must be sought in the report of the Commander-in-Chief, and in the inquiry made by the proper parties—an inquiry very different from that made by the publishers of newspapers. The order was made, and no one needs to be informed that a movement in retreat is not a movement in advance; but your Lordships must be convinced, as I myself am, that the movement in retreat was one of those accidents which must happen occasionally, and that the corps to which it happened were as worthy of confidence then as they have been since, as they were before, and as I hope they always will be. I entirely concur in the approbation which the noble Marquis has expressed of the conduct of Major Edwardes and other officers in the course of these transactions. My Lords, these officers were employed under the Resident at Lahore and his officers in the levying of certain inhabitants of the country, and certain disbanded soldiers of the late Sikh army, in order to aid in the defence of the Rajah's Government, and to prevent the tranquillity of the country from being disturbed. I am happy to say that these officers well performed that duty, and they have immortalised themselves by their conduct. It is impossible to speak too highly of Major Edwardes and the other gentle-

men who have been engaged in these services. My Lords, I also beg to draw your attention to that corps of Scinde horse raised under the superintendence of my gallant friend who has been lately selected by the East India Company to command the army in that country. These corps had been raised not more than a few years; and yet in this great battle, in a conflict with an enemy by no means to be despised, they distinguished themselves highly. My Lords, these are the circumstances under which the officers are placed in that country. They are under the necessity of training the natives to arms, to discipline them in the European mode, contrary to the manners, the customs, and the practices of the natives; and they do this in such a manner as to make them feel such confidence in their officers that they are ready to follow them anywhere, even to the cannon's mouth, against these Sikh warriors. It is a remarkable circumstance that the Scinde horse were formed not more than two or three years since under Sir C. Napier; and I was not aware until I saw it in the reports of these actions, that this body of horse could be put in line to meet the formidable cavalry of the Sikhs and Affghans. My Lords, I am certain that this motion will be agreed to heartily, and that the unanimous vote of this House will be most gratefully felt by the army that has fought these actions, and which I concur with the noble Lord in thinking is highly deserving of your Lordships' approbation.

Resolved in the affirmative, *nemine dissentiente.*

June 23, 1849.

WAR MEDALS.

The Duke of RICHMOND moved for a return of the actions for which medals had been awarded, by sea and by land, from 1794 to 1814, in pursuance of general orders of the Admiralty and Horse Guards.

Earl GREY promised the attention of the Government to the subject.

THE DUKE OF WELLINGTON said:

It appears to me that the measure that was adopted by the order of 1847 is exactly that which was desired by those to whom this distinction ought to be granted. The complaint originally was that a medal had been granted for the services performed in Flanders—at Waterloo; and that a medal was, on the same plan,

subsequently granted for services performed in the East Indies; but that such medal was not granted to those who had served in the army in the Peninsula; and certainly, when Her Majesty was graciously pleased to consent to confer distinctions upon those officers and soldiers, I considered that the very line adopted—that is to say, the granting medals to those who had been engaged in services which had been already held deserving of commemoration, by the estimation in which those services were held at the time when they were performed—was a measure that would give satisfaction to all concerned. Your Lordships must observe that it was the Crown that conferred these distinctions, and they were valuable because they were conferred by the Crown; for, whatever officers and soldiers may feel at receiving the approbation of this and the other House of Parliament, it is not this or the other House of Parliament that creates the value of this distinction—it is its being conferred by the Crown. Those who have the honor of advising the Sovereign on such a subject as this must find out the means of discovering the services which were performed thirty, forty, fifty years ago, and which were at that time most highly considered, and most particularly by the Crown, as deserving its approbation, and the honor of being commemorated: that is the ground on which Her Majesty's servants must have considered it their duty to advise Her Majesty; and I really must say that I have always considered that the advice which they gave was most likely to be satisfactory to those upon whom the honor was to be conferred. It may be right to extend the principle further; but with respect to individual cases, it would be quite impossible for Her Majesty's Ministers to advise the Crown to adopt any principle except that adverted to by the noble Secretary of State, namely, to grant a medal to every individual who happened to be employed on foreign service during the war. But would any man feel any distinction in such a grant? Certainly not. The distinction would be accepted, and might be worn; but no man would feel satisfaction in being distinguished for nothing except that he served abroad during the war. In each of the cases where medals were given, the Sovereign pursued, by the advice of the Ministers of the Crown, the order which directed that these services should be commemorated by striking medals, and giving one of each to the principal officers; and, according to that rule, every individual who was present in the same campaign, and received that

mark of distinction from the sovereign, must derive satisfaction from it. I will not say that those who have been wounded do not deserve any distinction that can be given to them; but the principle of rewarding men with medals merely because they have been wounded is a principle not hitherto acted on. There were many wounded men in this country long before the year 1794; but it was never proposed to reward them by distinctions on account of their wounds. I feel for those men, and I desire to see them properly considered; but what I want to say now is, that it is not usual to grant them medals. No distinction of that sort can be granted unless regularly recommended to the Sovereign for services performed from twenty-five to fifty years ago, and I do not see how that can be done otherwise than by the general rules established in 1847.

Returns ordered.

July 3, 1849.

THE ARMY IN INDIA.

The Earl of ELLENBOROUGH rose to move for papers explanatory of the circumstances under which the Crown granted to the Court of Directors of the East India Company, or to the army in India, property conquered from the enemy.

The Marquis of LANSDOWNE having said that there was no objection to the production of the papers required by the noble Earl,

THE DUKE OF WELLINGTON said:

My Lords, I must do the Governor-General the justice to say that my noble friend who spoke on this side of the House (Earl of Ellenborough) is mistaken if he supposes that the services recently performed by the army in India have not been highly estimated and justly considered by him in his recommendations to the public authorities in this country for the bestowal of those rewards which have been so highly merited by the services of that army; or if he supposes that Her Majesty's Government in this country, and those who have been officially consulted on the subject, have, on this occasion, been niggardly and remiss in granting the honors and rewards most prized by the army. This has been most willingly done by Her Majesty's servants, at the recommendation of the Commander-in-Chief and the Governor-General, and I can entertain no doubt that the Governor-General

will extend still further pecuniary rewards, if it should be in his power to grant them. My noble friend has stated clearly the position in which the question stands as between Her Majesty's Government and the East India Company. But, my Lords, there is not only the question of personal property, or of moveable property—which is properly the subject of booty—but there are also vast landed properties. The Sovereign of this state had landed property; the Sirdars, who commanded the armies, and were traitors to the state and to the British Government, had landed property, and their property, not exactly moveable, became liable to the consequences of booty. All these are included in the word 'property' which is stated to have been confiscated; but, at all events, the Governor may in his proclamation, if he thinks proper, do what is called 'confiscate' property; but when he comes to an arrangement, as with the Maharajah Dhuleep Singh, I fancy the word used is not the word 'confiscate'—although the word does not matter—but that it would be the word 'seize.' When I say that, I do not at all mean to say that it will alter the legal acceptation of the property after it comes into the possession of the British authorities. My Lords, it was not absolutely necessary, but it was a wise and politic arrangement on the part of the Governor-General, which required that this Maharajah Dhuleep Singh, notwithstanding that his country had been conquered and his army destroyed, and everything belonging to him was in the possession of the conquerors—I say it was a wise and politic arrangement to require that the Maharajah should be a party to the cession made of the territories, and also of all properties, landed or personal, moveable or immoveable. I say it was wise and desirable that he should make a political cession, by a political act, of these properties, besides that of the military act of occupation of the territories, and the seizure of the moveable property, by the military forces under the authority of the Governor-General. That was, in my opinion, a wise and political arrangement. But it does not signify in what manner the property comes into the possession of the officers of the East India Company. I consider it to be liable to all the provisions of the law of England from the moment it comes into possession of the governing authorities. Under these circumstances I would suggest to my noble friend that the most regular mode of proceeding would be to leave the matter in the hands of Her Majesty's Government to settle this question

with the Court of Directors (including the question of booty for the army), being convinced that the Governor-General and the Government authorities at home are as anxious as any parties can be to promote the benefit of the army.

Motion, by leave, withdrawn.

July 13, 1849.

REGIMENTAL BENEFIT SOCIETIES BILL.

THE DUKE OF WELLINGTON said:

I rise, my Lords, to move the second reading of the Regimental Benefit Societies Bill. These societies were originally established in the army under the authority of the Benefit Societies Act of the 33rd of Geo. III., with the provisions of which your Lordships are doubtless acquainted. The inconvenience of them as thus constituted has long been felt. Their maintenance was found to be inconsistent with the usual discipline and the constitutional existence of the army, because in each of the regiments meetings were held for the purpose of discussing the interest of each of these particular benefit clubs. Circumstances have occurred in almost every regiment of a very inconvenient character, and discussions and disputes, over which no control could be exercised on the part of the authorities. Under these circumstances, to my personal knowledge, it has been the desire of the officers at the head of the army, for a long period, to put an end to the existence of these societies. My respected predecessor in the office of Commander-in-Chief, His Royal Highness the Duke of York, made an effort to put an end to their existence in the year 1826. Efforts have also been made by myself and by my late valued friend Lord Hill, but in vain. The Act to which I have already referred, and under which these societies were constituted, was so well drawn up, and its provisions were so strong, that it was found impossible to extinguish any one of them. Under these circumstances, at a later period, about twenty years ago, when it was thought desirable and even necessary to extinguish one of these societies in the royal regiment of the Horse Guards Blue, it was found necessary to apply to Parliament, and an Act was passed to put an end to a provident and benefit society in that regiment. The inconvenience of the existence of such societies in

many regiments of the army has been admitted ever since; and it has now become absolutely necessary to apply to Parliament for power to extinguish them—an object which it is proposed to accomplish by the appointment of a Commission by Bill, to adjust the accounts of each—to ascertain the claims existing upon each society, whether in the form of pensions acquired on retirement from the service, or of claims not yet complete, but existing for the advantage of persons still serving in the army, and becoming complete on their retirement from the army—and to make provision, first for those who are already entitled to pensions, and afterwards for the distribution of the funds, according to the principle contained in the Act of William IV., for the extinction of the benefit society in the royal regiment of the Horse Guards Blue. Such are the objects of the Bill in relation to the regimental benefit societies. But the Bill relates not only to these societies, but to large funds in the possession of different regiments of the army, accumulated for certain objects by the commanding officer or other officers of the regiment. The existence of all these funds gives rise to discussions over which there is no control; and it is thought desirable that they shall be placed upon some known principle, in the exercise of which full knowledge can be obtained of the proceedings of those charities, so as to give satisfaction to all. I believe that the commanding officers of regiments have done their duty in the administration of those charities, but no doubt complaints have been made of malversation and misapplication of the funds; and therefore it is desirable that the authorities should have a knowledge of what is going on, and should be enabled, so far as control is required, to decide upon all matters in dispute. The commission named in the Bill is to consist of one Secretary of the Treasury to be named by the Lords of the Treasury, of the Secretary at War, and of the military secretary to the general officer filling the position of Commander-in-Chief. These are all parties generally interested in the management of the army. I entertain no doubt that, according to the principle of this Bill, all these affairs will be so managed as to be for the advantage and satisfaction of the army, for the better maintenance and preservation of discipline. I therefore again ask your Lordships to give the Bill a second reading, and to allow me to name an early day for the Committee.

Bill read a second time.

July 26, 1849.

PILOTAGE BILL.

Earl GRANVILLE having moved the second reading of this Bill,

THE DUKE OF WELLINGTON said:

The object of this Bill is to give facilities to shipowners, with the view of relieving them from certain expenses to which they are at present subjected; but I confess that I doubt much whether the measure will afford them the relief from expense which they anticipate. But what I am chiefly apprehensive of with regard to this Bill is, that it will have the effect of putting down a certain ancient establishment which has existed time out of mind, and which has been most useful in the difficult navigation of the narrow seas, and most particularly in communication with this great commercial metropolis. Under the existing law, all vessels coming up the Channel are under the necessity of taking pilots on board, and of making signals that they are in want of pilots, but the object of this measure is to relieve those vessels from making such signals as have on board a person certified to be competent to take charge of the ship in these narrow seas; and I am fearful that the consequence of the measure must be to put down that body, the fellowship of pilots, who have hitherto contributed by their labour to the safety and the usefulness of the navigation. The fellowship of Cinque Ports pilots exists under the Act of Parliament. Its duties are carried on under the superintendence of the Privy Council. No alteration can be made in its numbers, except by the consent of the Privy Council; and its remuneration has been fixed by Act of Parliament. Under these circumstances, therefore, I say that Parliament has formed and patronised this institution; and I entreat your Lordships to consider well before you adopt any measure that may have for its effect the putting it down. I have held the office of Lord Warden of the Cinque Ports for the last twenty years—from 1829; and during the ten years from 1829 to 1839 there were 3800 ships brought into the river in each year; and there have been only twenty-two complaints of any misfortune or misconduct on the part of the pilots during this period. These complaints were all inquired into, and it turned out that only nine of them had any foundation. In the

following ten years, from 1839 to 1849 (with 3800 ships in each year), there were only fourteen complaints, and of these fourteen only six were found on inquiry to warrant any cause of complaint against the pilots. Now, considering the number of ships in the course of these years carried in safety by means of this fellowship of pilots, and that in the course of each of these periods of ten years so few complaints have been made, and every one of them inquired into, with the results I have stated, I think your Lordships may reasonably conclude that they are a very useful institution, and that very great caution ought to be observed in proceeding to any steps that may tend to destroy this institution. The pilots are 120 in number; and if more were wanted, I as Lord Warden could apply to the Privy Council for an addition. Now, it certainly does seem to me that under this Bill it is placed in the power of any individual holding the position of Lord Warden of the Cinque Ports to give licences to masters and mates of ships to undertake to navigate them in place of the fellowship of pilots; and I certainly, as Lord Warden, should not give a licence to any individual to take charge of a ship unless he should prove himself, on examination, to be, as is required by the Act of Parliament to which I have referred, competent to meet all the dangers of the navigation, and capable of taking charge of a vessel, and of bringing her in safety to the port. But the moment I had signed a certificate for the master or mate, the ship would be immediately exempted from the necessity of taking a pilot on board. Therefore, it might depend on the act of a single individual holding the office of Lord Warden, whether this fellowship of pilots should be put down or not; and I do not think it would be very desirable for the interests of the shipowners themselves to put down that institution, and to have, instead, a person on board of each ship who may or may not have a knowledge of the pilotage. There is now a sufficiency of pilots to convey in safety 3800 ships annually; and I think it more desirable to the commercial interests to have the advantage of such an institution to perform this duty, than to be compelled to have a pilot on board every one of these vessels to make the whole voyage. I confess I do not see what advantage such an arrangement as that would offer in point of expense. I beg to observe that, according to the best calculations that I can form, the average expense for these

pilots is from 3*l.* to 4*l.* for each ship; and how can it be supposed possible that each of these pilots put on board of one of these ships, and going a long voyage, will not get more than 4*l.* by way of wages? that is the sum paid for a pilot at the end of the voyage, under the Act of Parliament; but, if that man was put on board of a vessel, and performed the voyage, he would have to receive his wages; and, can any man suppose that these would not come to as much as 3*l.* or 4*l.*, not to say 10*l.*, or perhaps as much as 20*l.*? I confess to your Lordships that I doubt the advantage of such an arrangement, even in point of economy, to the shipowners; and I am sure that, for the commercial interests of this metropolis, it is advisable to refrain from any measures that may have the effect of putting down the fellowship of pilots.

Bill carried by 15 to 10.

[SECOND SESSION OF THE FIFTEENTH IMPERIAL PARLIAMENT.—THIRTEENTH VICTORIA.]

February 21, 1850.

FURTHER EXTENSION OF MEDALS TO THE ARMY AND NAVY.

The Duke of RICHMOND called the attention of the House to a variety of military and naval services, for which war medals had not been granted, and requested that the injustice should be remedied.

Earl GREY pointed out the impossibility of tracing back, for so many years as were suggested by the proposition, all the military and naval services which, for reasons assigned at the respective periods, had not been rewarded with medals.

THE DUKE OF WELLINGTON said:

As the noble Secretary for the Colonies has referred to me for my opinion, I must say that I had already formed and stated my opinion, when former applications were made on this subject, not only to this, but also to the other House of Parliament. It has been stated that the army in the Peninsula was not treated in the same manner as the army in Flanders, and as other armies which have served in China, and in the East Indies, and elsewhere. It appears to me that the plan which would be most in conformity with the wishes of those who made the former applications, and of those on whose behalf the noble Duke has addressed

the House, and which would be most calculated to gratify all parties, would be to grant a medal to all those who were engaged in those great actions and achievements which, by order of the sovereign of the day, have been commemorated by the grant of medals to the principal officers engaged in those battles. On that ground I recommended the principle which was subsequently adopted, and which, I believe, has given general satisfaction. Whether that principle should be extended farther is for the consideration of Her Majesty's Government. All I can say is, that, whenever I shall receive Her Majesty's orders for such an extension, I will set to work to carry it into execution with the utmost diligence.

Lord COLCHESTER and the Marquis of LONDONDERRY having spoken,

The Duke of RICHMOND complained of the charge of 2*s.* 6*d.* exacted from the soldiers by the Mint, for engraving their names on their medals.

THE DUKE OF WELLINGTON said:

My Lords, the reason why this charge is made to the soldier is, that the expense of engraving the medal cannot be charged to the public until there was a grant to that amount made by Parliament, and this required time. The Commander-in-Chief has no power and no funds to meet that expense. It is the desire of the men themselves that their names should be engraved on their medals, and there is no other means of doing it than through the Mint.

Subject at an end.

March 4, 1850.

PARTY PROCESSIONS (IRELAND) BILL.

In Committee on this Bill,

THE DUKE OF WELLINGTON said:

My Lords, I was about to state, before you went into Committee, that I object to this Bill. I object to the principle of the Bill distinctly; but I was so unfortunate as to be in a distant part of the country on the day on which the noble Lord moved the second reading, and I had it not in my power to attend in

my place then to state my objection. With your Lordships' permission I will state it now. My Lords, my opinion is, that the Bill does not go far enough; that the Bill, as it stands at present, will not put an end to the state of disturbance in Ireland, which it is the intention of the Government that it should put an end to. From the accounts of the affair at Dolly's Brae, it appears that, between the parties engaged in the disturbance which took place there, many other occasions of disturbance have happened. Many disturbances have, in fact, taken place, which will not be prevented by the state of the law as it will stand under this Bill. It appears that both these parties are in the habit of burying the dead belonging to the classes composing each of them, with great formalities, which it is a common practice for the other party to interrupt, and that these ceremonies give occasion for disturbances as fatal as any of these processions. Now, I confess I never could understand the reason why the Legislature should not at once prevent persons in Ireland from appearing abroad with arms. For what reason is it that in Ireland the population should be allowed to appear abroad, out of their houses, in arms? a privilege which I venture to say does not exist for the people of any other portion of the civilized world. Why should any man be allowed to appear with arms, excepting as in this country, as in other countries—for the purpose of his amusements, for sporting? Why should not every man who appears with arms be required to produce his game certificate, or in default be deprived of his arms, or called on to account for his having possession of arms under such circumstances? My Lords, what I desire is, that the magistrate, the local magistrate, should have it in his power, by means of the constables whom he has under his direction, to protect these parties in burying their dead from being attacked during the ceremonies by others who come out with arms. My Lords, the facility for collecting large numbers of people in Ireland with arms is deserving your attention, and I entreat you to allow a clause to be inserted in this Bill to enable the justices to disperse any such meeting, and to deprive those individuals of their arms who appear upon these occasions in funeral processions, or in an attack upon a funeral procession, with arms in their hands. I am not prepared with a clause to-night, but I give notice that, either upon the report, or on the third reading, I will propose a clause—

I hope the Government will not object to it—which shall have for its object to prevent any person in Ireland from appearing in arms out of his house.

A clause to this effect was proposed by the noble Duke on the third reading (March 8), but withdrawn, it having been stated to him that the clause might endanger the Bill elsewhere.

May 13, 1850.

UNIVERSITY REFORM.

Lord BROUGHAM having, in presenting a petition, deprecated precipitate or undue interference with our Universities, which were already, of themselves, effecting great improvements in their course of study and discipline,

THE DUKE OF WELLINGTON said:

My Lords, in reference to the remarks of my noble and learned friend, I beg to declare that the University of Oxford is most anxious to introduce every improvement which is desirable into the system of education pursued in that ancient seat of learning. As far as I can understand the subject, there is no desire in any quarter to introduce, as my noble and learned friend seems to apprehend, German projects, or any system of that kind, into the system of education now in force in the University of Oxford. That University, I repeat, is anxious to meet the wishes of Her Majesty's Government, and of the country at large, and to introduce every improvement that is at once useful and practicable. But that which the University of Oxford cannot do, and which it will not be induced by any consideration to do, is this: it will not repeal the statutes by which the different colleges of that University are governed. Various portions of the inhabitants of this country—some living in its towns, and others in its rural districts—various young persons now receiving their education in different schools, enjoy important rights under the separate statutes of the separate colleges. The body to which I have the honor to belong—namely, the Chancellor, Masters, and Scholars of the University of Oxford—is bound to respect and maintain and carry into execution the statutes of the several colleges. I hope that these bodies will not be required to submit to an inquiry directly tending to the repeal of those statutes which the law of the land requires

them to carry into execution for the benefit of the individuals who claim rights and privileges under them. I make this statement now, which I should have made on a former occasion, had I been in the House at the time, because there appears to me to be a tendency to institute an inquiry of the nature which I have described—an inquiry which, if instituted, would seriously affect some of the most loyal subjects of Her Majesty, who might be placed in a situation of the greatest difficulty, as they would have to decide between their duty and obedience to Her Majesty's commands, and the duty and respect which they owe to the execution of the law.

Petition to lie on the table.

June 27, 1850.

ABOLITION OF THE LORD-LIEUTENANCY OF IRELAND.

The Marquis of LONDONDERRY moved a series of resolutions against the abolition of this office.

Lord BROUGHAM and the Marquis of LANSDOWNE having spoken,

THE DUKE OF WELLINGTON said:

My Lords, although this subject has already been adverted to in the other House of Parliament, yet I wish now briefly to draw your Lordships' attention to it. I quite concur with the noble Marquis opposite in the request which he has addressed to the noble Marquis near me to withdraw the resolutions now before the House. The noble Lord near me has been fully heard on the subject; and, besides, there will be a future opportunity for further discussion, as soon as the Bill comes regularly before your Lordships. But I do hope that the Queen's Government will consider well the whole of the subject, and inquire minutely into all the circumstances and details,—that they will carefully look at the probable consequences of adopting such a measure as that now under consideration. If we look at the history of the last fifty years, and more especially at the history of the last ten years, in Ireland, we shall find a continual series of military operations carried on at every period of that time. Let it be remembered that these military operations cannot be carried on under the British Constitution, except sanctioned by the authority of the

civil power. The civil and military power, at almost every moment during the last ten years, have been in constant communication with each other; and I tell your Lordships that you could not have carried on any of those operations without the superintending direction and assistance of the Lord-Lieutenant. I will not trouble your Lordships with details, but I will advert to one or two circumstances which will show clearly to your Lordships what may be the consequences of putting down this great office of the Lord-Lieutenant. Among the first operations I had to contemplate after being appointed to the office which I have the honor to hold, were the measures necessary to be adopted to put an end to what were called by the individual who promoted them 'the Monster Meetings' in Ireland. There were several important legal as well as political questions involved in the consideration of those measures. Upon every one of these it was essential to refer to my noble friend Earl de Grey, then the Lord-Lieutenant of Ireland; and it was also necessary that he should be in close communication with the military authorities. Those measures could not have been adopted, proceeded with, or carried into execution, without the constant communication and conference of the two authorities—the civil and political authority—the Lord-Lieutenant and the military officer commanding the troops; and it was likewise necessary that there should be communications with the Government in this country. I say, then, that no part of these proceedings could have been adopted if you had not had an officer in Ireland with the constitutional power and authority of the Lord-Lieutenant. Since that time there has been a constant series of military operations in the course of being carried on in Ireland. The persons who rendered these operations necessary adopted the usual course of modern revolutionists, of publishing their designs, so that they were known to those who were to oppose them as well as to themselves; and though these designs were not so formidable as others that have been seen, yet it was very necessary to attend to them—to oppose the barricading of the streets, the interruption of the communications, and other proceedings, which, if they had succeeded, would have occasioned very great inconvenience, if not disastrous consequences. The requisite measures of precaution were necessarily to be discussed by the military authorities with the Lord-Lieutenant and the civil authorities of the Government, no part of which could have been

carried into execution without the knowledge, consideration, and full concurrence of the Lord-Lieutenant. Withdraw the Lord-Lieutenant from Ireland, and who becomes the chief civil authority in different parts of the country? In Dublin the chief civil authority would be the Lord Mayor. Now, I think that, in less than three months after the adoption of the measure to put down the monster meetings in Ireland, I had the honor of attending Her Majesty at Court, and there I saw Mr. O'Connell, as Lord Mayor of Dublin, followed by some of his suite, presenting an Address to Her Majesty on the Throne. Now, will any one say that the military authorities would have ventured to concert any military operations with the then Lord Mayor of Dublin, elected by the democratic corporation created by a recent Act of Parliament? I will take another case. I had afterwards to provide against barricades in the streets of Dublin, to take measures for attacking them if they should be formed, and to secure the free passage of the streets. For this purpose it was necessary to have confidential communications with the Secretary of State here, and with the Lord-Lieutenant of Ireland. Could I have ventured to do this with the Lord Mayor of Dublin? Could I have written a line on the subject without ordering the Commander-in-Chief on the spot in Dublin to take care that the Lord Mayor and the gentlemen of the Dublin corporation should know nothing about the matter? I will give you another instance. The Corporation Act, passed some years ago, enabled the corporations in the country parts of Ireland to elect their mayors, and some very nice mayors they have elected. It was necessary some time ago to carry on military operations in the very neighbourhood of Kilkenny. Who was the elected mayor there at that time? Dr. Cane. And what became of Dr. Cane? Why, before the operations of Kilkenny were over, he was in prison under the provisions of the Act for the Suspension of the Habeas Corpus. And yet such was the gentleman with whom the general officer, carrying on his operations with his troops, must have consulted in the absence of the Lord-Lieutenant of Ireland! I agree with the noble Marquis, that, if this measure for the withdrawal of the Lord-Lieutenant be adopted, there must be a central authority in Ireland; but the Government are much mistaken if they think that any authority they can form, unless succeeding to the powers conferred by law, usage, prescription, and by the command and patents of the

Sovereign appointing the Lord-Lieutenant, will have the same power of carrying any of those operations to which I have referred into execution. The Secretary of State conveys the commands of the Sovereign; but the Lord-Lieutenant commands himself. He has that power by law, by patents, by usages, and prescription. An under Secretary of State, resident in Dublin, would only command for the Secretary of State; and yet, in the consultation and determination upon the delicate operations to which I have alluded, this is one of the authorities to be substituted for the Lord-Lieutenant. I entreat noble Lords opposite to consider well this proposition for abolishing the office of Lord-Lieutenant, and let them reflect whether it would be expedient, with a view of saving some 20,000*l.* a-year, or any paltry sum of that kind, to remove from a country in such a state of constant disturbance as Ireland is in, has been in, and possibly may continue to be in for some time, the authority which is required to put down this state of disturbance by taking advantage of every favorable opportunity to secure tranquillity. I entreat noble Lords to consider well the difficulty of carrying on the Government under such circumstances.

Motion withdrawn.

July 4, 1850.

THE LATE SIR ROBERT PEEL.

The Marquis of LANSDOWNE expressed the deep sorrow which, in common with the House and with the people out of doors, he felt at the calamitous death of Sir Robert Peel, whose character he highly eulogised.

Lord STANLEY and Lord BROUGHAM having spoken,

THE DUKE OF WELLINGTON said:

My Lords,—I rise to give expression to the satisfaction with which I have heard this conversation on the part of your Lordships, both on the part of those noble Lords who were opposed to Sir Robert Peel during the whole course of their political lives, and on the part of those noble friends of mine who have been only opposed to him lately. Your Lordships must all feel the high and honorable character of the late Sir Robert Peel. I was long connected with him in public life; we were both in the councils of our Sovereign together; and I had long the honor to enjoy his private friendship. In all the course of my acquaintance with Sir Robert Peel, I never knew a man in whose truth and justice I

had a more lively confidence, or in whom I saw a more invariable desire to promote the public service. In the whole course of my communication with him I never knew an instance in which he did not show the strongest attachment to truth; and I never saw in the whole course of my life the smallest reason for suspecting that he stated anything which he did not firmly believe to be the fact. My Lords, I could not let this conversation come to a close without stating that which I believe to have been the strongest characteristic feature of his mind. I again repeat to you, my Lords, my satisfaction at hearing the sentiments of regret which you have expressed at his loss.

August 6, 1850.

LORD BROUGHAM'S JUDICIAL CONDUCT IN THE HOUSE OF PEERS.

Lord BROUGHAM vindicated himself from an attack which had been made upon him in a newspaper, with reference to his judicial conduct in the House of Peers.

The LORD CHANCELLOR paid a tribute to the eminent services of the noble and learned Lord in the disposal of Appeals.

THE DUKE OF WELLINGTON said:

My Lords,—having been a member of various administrations for many years now past, and having been often sensible of the great inconvenience resulting from the accumulation of arrears in the hearing and decision of judicial appeals before this House, I cannot but be sensible of the great obligations which the House is under to my noble and learned friend for the great activity which he has displayed, and for the great pains which he has taken in presiding over, in hearing, and in deciding on the existing appeals, and in keeping that branch of our judicial business in such a state as will enable us to bring it to a conclusion at the end of the present session. My Lords, I concur in the feeling of disapprobation of those foul libels on the administration of justice in this House, which has been so well expressed by the noble and learned Lord on the Woolsack; for observe, my Lords, these foul libels are attacks on the administration of justice in this House, and not on the administration of justice by my noble and learned friend. I implore him not to discontinue his exertions in the public cause

from any feeling of resentment at such attacks. This House is fully sensible of the services which he has already rendered it, and feels the utmost confidence in the advice which he offers to it for the formation of its decisions; for I beg to remind you that all my noble and learned friend does is to give you his advice; it is for you to decide upon it. I am much mistaken if there be not many noble Lords in this House fully capable of discerning whether that advice is right or wrong. I hope that my noble and learned friend will not be deterred by attacks like these from continuing his attendance at our judicial proceedings.

The Marquis of LANSDOWNE having fully concurred with the noble Duke in his observations,

The subject dropped.

[THIRD SESSION OF THE FIFTEENTH IMPERIAL PARLIAMENT.—FOURTEENTH VICTORIA.]

February 4, 1851.

APPOINTMENT OF LORD REDESDALE AS CHAIRMAN OF COMMITTEES.

This appointment having been moved by Lord STANLEY,

THE DUKE OF WELLINGTON said:

Some years have elapsed since it was my duty to consider of the person whom I should recommend to the House to succeed to the important office so long and so ably filled by my noble friend (the Earl of Shaftesbury), who, I am sorry to hear, is no longer able to perform the duties of Chairman of Committees. At that time I earnestly recommended my noble friend (Lord Redesdale) to attend to the private business of the House, with the view of qualifying himself for undertaking the duties of Chairman of Committees. I have been happy to see that my noble friend has devoted himself, during so many sessions, to the performance of those duties, and has qualified himself in every way and degree for their performance. I stated several years ago, if it had been my duty to propose a person for that office, I should have recommended my noble friend. I am happy to find that he has been proposed now; and I sincerely believe your Lordships could not make choice of a person more capable of the performance of those

duties to the satisfaction of the House, and with reputation to himself.

Motion carried *nem. con.*

April 1, 1851.

MARTIAL LAW—LORD TORRINGTON.

In the discussion on Lord Torrington's administration of Ceylon,

THE DUKE OF WELLINGTON said:

The noble Earl (Grey) has referred to my conduct in respect to martial law, and on this point I must address a few words to your Lordships. In the first place, I have to state that I had no comment and no observations to make upon the general question before your Lordships, as introduced by the noble Lord (Torrington). The view which I have taken is, that it is as yet utterly impossible for your Lordships' House to pronounce any opinion upon the case brought under consideration this evening by the noble Lord, for your Lordships have no single paper before you; you know nothing about the matter; the correspondence to which so much reference in detail has been made is quite unknown to us. I certainly have not made myself master of the subject; I have only read that which came regularly before the public. As to the correspondence, I declare that I have not a notion what it refers to. And this being the fact, I think the noble Lord and the noble Earl might as well have avoided any observations upon that correspondence until it had regularly come into our hands. As to the remark which has been made about me, I will say a word in explanation. I contend that martial law is neither more nor less than the will of the general who commands the army. In fact, martial law means no law at all; therefore the general who declares martial law, and commands that it shall be carried into execution, is bound to lay down distinctly the rules, and regulations, and limits according to which his will is to be carried out. Now I have, in another country, carried out martial law; that is to say, I have governed a large proportion of the population of a country by my own will. But then, what did I do? I declared that the country should be governed according to its own national law, and I carried into execution that my so declared will. I

governed the country strictly by the laws of the country; and I governed it with such moderation, I must say, that political servants and judges, who at first fled, or had been expelled, afterwards consented to act under my direction. The judges sat in the courts of law, conducting their judicial business, and administering the law under my direction. I therefore have never been in the situation which the noble Earl has spoken of; and I protest most distinctly against being called into comparison, in any way whatever, with the noble Lord opposite (Torrington.)

May 26, 1851.

THE GOVERNOR-GENERAL OF INDIA.

In debate upon the Punjab booty,

THE DUKE OF WELLINGTON (with reference to some observations of Lord Ellenborough) said:

My Lords,—Having had the honor of serving in the East Indies, and having some knowledge of transactions of this description, I must say, my Lords, that, from experience of the station of Governor-General in Council, I had conceived a very different opinion from that which has now been given by my noble friend behind me, who, I think, has a more practical knowledge of the subject than I can possibly have. But I talk only of my own experience. The Governor-General in Council is the representative of all British authority in the East Indies, and he exercises all British authority in the East Indies. I have served in an army to which the Governor-General in Council has granted booty on the part of the Crown; he has taken upon himself to assume, or, if the noble Lord pleases, to assert the authority of the Crown in granting booty. But I say I have myself partaken of booty thus granted by a Governor-General. It is true, my Lords, that he is appointed by the Court of Directors of the East India Company; but by the law of England he exercises every British authority in the East Indies, and he assumes to himself the power of the Crown to grant booty in the possession of the Crown. My Lords, that assumption of authority must be confirmed, and I have no doubt it was confirmed; at least I have never heard other-

wise than that it was confirmed, and would be, I conclude, in every instance. But this is what I insist upon, that the Governor-General in Council does exercise every power of every description on the part of this country, and that by law he may assume authority with which he is not strictly invested at the moment; but that is a matter to be settled between the Crown and the authorities that appoint him, namely, the East India Company. The Crown subsequently confirms that assumed authority, and the matter there remains as between the Crown and the East India Company. I am speaking of that which I know from experience is the case.

July 21, 1851.

ECCLESIASTICAL TITLES ASSUMPTION BILL.

The Marquis of LANSDOWNE moved the second reading of this Bill.

The Earl of ABERDEEN moved that the Bill be read a second time that day six months.

Lord BEAUMONT having addressed the House,

THE DUKE OF WELLINGTON said:

My Lords, it was my fortune many years ago to prevail on you to accept the Roman Catholic Relief Act, and I have felt it to be my duty on all occasions, and under various circumstances, to object to any legislation which interfered with that measure. All its provisions were well considered at the time. They were founded on the petitions presented to Parliament by the Roman Catholics with the view of obtaining an Act of that kind. All the endeavors which for thirty years had been made in order to obtain what were called securities for the Church, accompanying concessions to the Roman Catholics, were taken into consideration, and after all the Catholic Relief Bill was proposed to your Lordships, and carried through both Houses of Parliament by the aid of very large majorities. I shall always feel it my duty to maintain the provisions of that measure; and, I confess, I viewed with alarm, and felt great concern at the Bulls and other papers which appeared in the course of last year, and under which a hierarchy was appointed by the Pope, and those other proceedings adopted

which have occasioned the Bill now proposed to your Lordships by the Government, whose organ is the noble Marquis opposite; because it was apparent to me that it was absolutely impossible to pass over these things without having recourse to some fresh act of legislation. The Pope himself is a man of mild character—he is a popular individual, seeking popularity on every side; and he states in the very Rescript which he sent to this country that he is sensible there are two modes of providing for superior ecclesiastical jurisdiction over Roman Catholics in this country, and he discusses in this very paper those two modes of obtaining the object he had in view. One of these modes was the appointment of Vicars-Apostolic; and the other the appointment of Cardinal Wiseman to the Archdiocese of Westminster; thus creating an Archdiocese in a district which includes the Queen's palace and the seat of the Legislature; and, moreover, establishing in this island a regular Roman Catholic hierarchy, with the see of an Archbishop and several Bishops. The Pope took this latter course, and relinquished the old mode of effecting his object, which had been recognised and approved by the Government of this country. Under these circumstances, the character of the Pope being such as I have described, I confess I was anxious to know what could have been the motive for the preference given to the new mode of proceeding. The noble Lord who addressed you just now with so much honor to himself, knowing the position of the Roman Catholics, knowing the state of opinion at Rome, being sensible that a desire is entertained to stifle liberal opinions in this country, thought he perceived the drift of the Rescript in reading it. For myself, however, I confess I could not discover the drift of the proceeding until I read the attack made by Cardinal Wiseman on the Dean and Chapter of Westminster. Then it occurred to me what was the object aimed at. It was the old object of antagonism to the Established Church of this country, and the course was taken by the advice of Cardinal Wiseman, as he himself states. At the same time at which Cardinal Wiseman published the Rescript which notified his own promotion, he made an attack, entirely undeserved, on the Dean and Chapter of Westminster. I then could doubt no longer as to the object of Rome, and I saw clearly that something like this Bill which I now hold in my hand must be brought under the consideration of

your Lordships, or that I must give my consent to certain alterations of the terms of the Relief Act. My Lords, I cannot concur in the proposition of my noble friend that the Bill shall be read a second time this day six months. Circumstances have occurred which render it impossible for you to return to the position in which you stood before this act of the Pope was committed. The object of the passing of the Relief Act was to repeal all the laws adopted against the Roman Catholics—first, at the Reformation; next, at the time of what was called the Popish Plot; and thirdly, in consequence of the Popish reign of James II. and the War of Succession in Ireland, out of which and its consequences grew all the penal enactments against Catholics in that country. It was, I say, the object of the Relief Act to get rid of these altogether. But those who brought forward that Act—those who urged your Lordships and the other House to support it—repeatedly stated that nothing therein touched the laws on which the Reformation was founded. That was cautiously avoided.

When we, the authors and promoters of the Relief Act, were charged with having touched the Reformation, we distinctly proved the contrary, and showed that we had done nothing to affect the laws by which the Reformation was established in this country. In 1846, however, in the reign of the present Queen, certain old statutes were repealed, and among them one relating to the introduction of Bulls into this country. If that law had not been repealed, it would have been impossible that this act of the Pope could have taken effect, and, consequently, all fresh legislation would have been unnecessary. Cardinal Wiseman would not have dared to come to England and publish the Pope's Bull or Rescript establishing the new hierarchy; the thing was impossible; it could not have happened. Under these circumstances, I say, you cannot return to the position in which you stood when the Roman Catholic Relief Act was passed, or before the Act of 1846 was passed, which repealed the penalties attaching to all the acts with which it dealt, but left the acts themselves standing as misdemeanors. The legislation on this subject stands in this state, that misdemeanors may be committed but cannot be punished. Under these circumstances, I say you cannot stand on the Relief Act; but must pass a measure to meet the particular act of the Pope complained of, and to prevent the repetition of such acts

in future. I have no desire to infringe the religious privileges of the Roman Catholics; on the contrary, I wish them to enjoy every means of following their religion with perfect freedom. I would wish to make no alteration in the Relief Act, but I do not see how this measure can be avoided. I confess I view without apprehension the effect which this measure may have in Ireland. We have had a good deal of experience of the effect produced in Ireland by measures passed by the Legislature. There was the Relief Act. A great deal was expected from that, and it was said that it would put an end to agitation in Ireland for ever. But in the very year—nay, I believe, almost in the very month—in which it became the law of the land, fresh agitation recommenced. How often since then has the Crown, from time to time, had occasion to complain of agitation in Ireland! How often has the Crown come to Parliament to demand additional powers for the purpose of putting down the agitation, or worse than agitation, existing in that country, the Relief Act notwithstanding! My advice to your Lordships is, to do that which is just and necessary to maintain the power and prerogatives of the Crown, and to protect the subjects of this country, and no more; and you may rely on it, you will have the support and good wishes of the loyal people of Ireland, as well as of this country. Having the misfortune, on this occasion, to differ from my noble friend the noble Earl who addressed your Lordships second in the debate (Aberdeen), I felt it necessary to trouble you with these few words, to show on what grounds I intend to support the motion for the second reading of this Bill.

Debate adjourned.

[FOURTH SESSION OF THE FIFTEENTH IMPERIAL PARLIAMENT—FIFTEENTH VICTORIA.]

February 5, 1852.

THE KAFFIR WAR—SIR HARRY SMITH.

THE DUKE OF WELLINGTON:

My Lords, I was unable to address your Lordships two nights ago, when you voted the Address to Her Majesty, to which she

has returned the gracious answer which we have just heard read. The motion now before you is, that the Address be entered on the Journals of the House; and I wish to avail myself of the opportunity of expressing my sense of the services of General Sir Harry Smith, now in command of Her Majesty's troops at the Cape of Good Hope. Sir Harry Smith is an officer who, from his high reputation in the service, ought not to require any commendation from me; but having filled a high command in several important military operations long before, carried on under my direction, and he having been now recalled by Her Majesty's Government, it is but justice to him to say that I, who am his commanding officer, though at a great distance, entirely approve of all his operations, of all the orders which he has given to his troops, and of the arrangements which he has made for their success. I highly approve of the conduct of the troops in all their operations; I am fully sensible of the difficulties under which they have had to labor, and of the gallantry with which they have overcome all these difficulties, and of the great success which has attended their exertions. My firm belief is, that everything has been done by the commanding general of the forces, and the other officers, in order to carry into execution the instructions of Her Majesty's Government. I have myself had the honor of holding the command of the British troops, and superintending different military operations in a similar country, under three Governors-General of India; and I am proud to say that I have not observed any serious error in the conduct of the whole of these operations of my gallant friend Sir Harry Smith. He has, no doubt, committed errors, as others have done before him. The operations of the Kaffirs have been carried on by the occupation of extensive regions, which in some places are called jungle, in others bush: but in reality it is thick-set, the thickest wood that can be found anywhere. The Kaffirs having established themselves in these fastnesses with their plunder, on which they exist, their assailants suffer great losses. They move away with more or less celerity and activity, sometimes losing and sometimes saving their plunder, but they always evacuate these fastnesses; our troops do not, cannot, occupy these places. They would be useless to them, and, in point of fact, they could not live in them. The enemy moves off, and is attacked again; and the consequence is, to my certain

knowledge, under the last three Governments, that some of these fastnesses have been attacked three or four times over, and on every occasion with great loss to the assailants. There is a remedy for these evils: when these fastnesses are stormed and captured, they should be totally destroyed. I have had a good deal to do with such guerilla warfare, and the only mode of subduing a country like that is to open roads into it, so as to admit of the transport of troops with the utmost facility. I have recommended that course to the noble Earl (Grey) opposite, who, I believe, has ordered it to be adopted at the Cape. It is absolutely necessary that roads should be opened immediately into these fastnesses. The only fault I can find with Sir Harry Smith's operations is, that he has not adopted the plan of opening such roads, after he had attacked and taken these fastnesses. I have, however, instructed him to do so in future; but it is a work of great labor; it will occupy a considerable time, and can only be executed at great expense. The noble Secretary of State has ordered that region to be laid open; and the truth is, that the war at the Cape has come to that point that unless such a measure is adopted there can be no peace in that part of the world—there can be no enjoyment of the social comforts of civilized life. The Kaffir chieftains, at the head of 10,000 or 20,000 men, establish themselves in these fastnesses, within the boundary of Her Majesty's territory, and they are not accessible to any portion of Her Majesty's troops. I say, then, that such a measure must be adopted; it will take time, and can only be effected at great expense; but the effect would be to give peace and to enable the people to enjoy the blessings of social and civilized life, and the expense would not be the tenth part of the expense of one campaign. If this is not done effectually, there will be no peace, no cessation of armed bodies making inroads upon our people in that part of the world. I thought it but fair to say what I have said of my gallant friend Sir Harry Smith; and that it was also right to say that all which ought to be done has not yet been done to lay the foundation for that which is the object of all war—peace.

May 21, 1852.

WARNER INVENTIONS.

THE DUKE OF WELLINGTON rose, in pursuance of notice, to move

'That an humble Address be presented to Her Majesty, praying that Her Majesty will be pleased to give directions that there be laid before this House copies or extracts of any report made to the Master-General of the Ordnance on the subject of the inventions of Mr. Warner.'

His Grace proceeded to say:

I have to apologise to your Lordships, and to my noble friend and relation opposite (Earl Talbot), that I was absent from the House on the 16th inst., when he made his motion that a Select Committee be appointed to inquire into the Warner inventions, and the several reports connected therewith. By accident, there was no House on the preceding Thursday, and I therefore was not aware of the motion of my noble friend until the day after he made it, and on that day, unfortunately, I could not attend. Had I been on that day in the House, my Lords, I should have represented to your Lordships that the subject into which my noble friend desired that a Select Committee of your Lordships should be appointed to inquire had been already under the consideration of the Crown in the office of the Master-General of the Ordnance, in consequence, I believe, of an address of the House of Commons—at all events, I am certain, at the particular desire of the late principal Minister of the Crown, Lord Melbourne—and, to my certain knowledge, under the government of my late lamented friend Sir Robert Peel, and also of Lord John Russell. Under these circumstances, my Lords, it certainly appeared to me that, the subject of these inventions having been submitted to inquiry in the office of the Master-General of the Ordnance, and, moreover, being a matter of an entirely scientific nature, it was not exactly a fit subject for inquiry in your Lordships' House; more particularly as that inquiry, if it should terminate successfully to the views of the projector, must lead to the expenditure of very large sums of money. My Lords, with this inquiry are connected a great many money speculations on the part of persons who have advanced large sums to this gentleman, in the hope that he may receive a large reward from the public for his inventions. If I had been in my place on the day on which my noble friend made his motion, I should have

urged not only that this was not exactly a subject which the House of Lords ought to take into consideration, but also that your Lordships ought to have before you the proceedings on this subject which have already been taken under direction of the Board of Ordnance; and it was my knowledge of these proceedings that induced me to give early notice of my intention to move that Address to Her Majesty, of which I have just given you the substance. I am well aware, my Lords, undoubtedly, that Mr. Warner has objected to the competence of the officers appointed by the Master-General of the Ordnance to make these inquiries, and particularly to the competence of my gallant friend Sir Howard Douglas. Indeed, I believe that my noble friend and relation mentioned the objection of Mr. Warner to my gallant friend when he made his motion. Now, I beg leave to read to your Lordships a few words from a letter which Mr. Warner wrote to the Master-General of the Ordnance, when he first heard that my gallant friend was appointed a member of that Commission. He says, 'From what I have heard of Sir H. Douglas, I am highly gratified by the choice which the Government has made of this distinguished officer.' My Lords, another officer appointed to act on that Commission was Sir Edward Owen, an officer who had been oftentimes actively and successfully employed on the public service. That officer, however, could not act in that Commission, owing to some accidental circumstances; but Sir Byam Martin did sit upon it, an officer well known to many of your Lordships, and than whom no naval officer in the country could be named more distinguished for his services, and more capable of coming to a just decision on this subject. I entreat you, my Lords, before you enter on this subject at all, and before you appoint this Committee, to see the Reports made on it by the scientific officers of the army and navy appointed by the Ordnance to consider whether it was expedient that these inventions, or alleged inventions, should be adopted for the service of Her Majesty.

After some observations from the Earl of DERBY,

THE DUKE OF WELLINGTON added:

My noble friend is mistaken entirely as to the nature of the Committee or Commission appointed by the Ordnance to inquire into these inventions. But the first point of inquiry is this,—is there an invention at all? My Lords, I say it is not an invention, and

I found my statement on the opinion of the Commission. Next, I ask, is it efficient for service? Is it of such a nature as can be applied in the service? Can it be concocted and formed in our laboratories? Can it be carried with safety in our magazines afloat, or in our fourgons on land? These are all questions that were considered by the Committee under the Master-General of the Ordnance; and these, my Lords, I say, are nice questions, questions for the decision of a Committee of naval and military officers, and not for that of a Committee of your Lordships' House. I say, that, where a case of this description has been placed in the hands of the Executive Government, and has been under a Committee of officers, that under these circumstances your Lordships should refrain from interfering in it; and your Lordships would do well to consider the matter before you appoint the Committee. At all events, my Lords, I desire that this Committee should have all the reports which the Executive can give, before it enters on the consideration of these inventions, if inventions they be.

The Select Committee was ultimately postponed *sine die*.

June 15, 1852.

THE MILITIA BILL.

The Earl of DERBY moved the second reading of this Bill.
The Marquis of LANSDOWNE having spoken,

THE DUKE OF WELLINGTON said:

My Lords, I am certainly the last man to have any hesitation of opinion as to the relative advantages of meeting an enemy with disciplined or with undisciplined or half-disciplined troops. The things are not to be compared at all. With disciplined troops you are acting in a certain degree of confidence that what they are ordered to perform they will perform. With undisciplined troops you can have no such confidence; on the contrary, I am afraid that those who know the materials of which such troops are composed would be inclined to think the chances are, that they will do the very reverse of what they are ordered to do. But, my Lords, we must look a little at the state in which we stand at the present moment. This country is at peace with the whole world, except in certain parts on the frontiers of its own distant dominions, where

the operations of war are carried on by means of our peace establishment. You are now providing for a peace establishment; you are at peace with the whole world; you are providing for a peace establishment. I say that that peace establishment ought to have been effectually provided for long ago. If that duty had been performed, we should not have needed now to be told, as we have been now told by the noble Marquis, about the number of days and weeks it will take to train the militia recruits, of the futility of expecting anything to the purpose from troops composed of recruits who have undergone their three weeks' or their six weeks', or what time it may be, training. We have never, up to this moment, maintained a proper peace establishment—that's the real truth; and we are now in that position in which we find ourselves forced to form a peace establishment, such as this country requires, upon a Militia. As to the regular army, my Lords, I tell you that, for the last ten years, you have never had in your army more men than enough to relieve the sentries on duty at your stations in the different parts of the world. Such is the state of your peace establishment at the present time; such has been the state of your peace establishment for the last ten years. You have been carrying on war in all parts of the globe, on the different stations, by means of this peace establishment; you have now a war at the Cape, on the very frontier of Her Majesty's dominions, still continuing, which you carry on with your peace establishment; yet, on that peace establishment, I tell you, you have not more men than are enough to relieve the sentries at the different stations in all parts of the world, and to relieve the different regiments in the tropics and elsewhere, after service of—how long do you suppose? of in some cases, twenty-five years—in none less than ten years, and after which you give them five years at home, nominally—for it is only nominally in a great many cases. There were, for instance, the last troops who were sent out to the Cape; instead of keeping them five years at home, after their long service abroad, I was obliged to send out a regiment after they had been only sixteen months at home. My Lords, I tell you, you've never had a proper peace establishment all this time. We are still at peace with all the world. Form now your peace establishment—your constitutional peace establishment; and when you have got that, see what you will do next. The noble Marquis, my noble friend, if he will allow me so to call him, says he thinks he should prefer an army

of reserve. An army of reserve! What is an army of reserve? Is it an army to cost less than 40*l.* each man all round? If he thinks that possible, I tell him that I think it impossible—that we can have no such thing. But what I desire—and I believe it is a desire the most moderate that can be formed—is, that you shall give us, in the first instance, the old constitutional peace establishment. When we have got that, then you may do what you please. My Lords, the noble Marquis says very truly, that these 50,000 or 80,000, or 150,000 militiamen won't be fit for service in six months, or twelve months, or eighteen months; but I say they'll be fit, at all events, for some service; they will certainly be able to perform some duties, and certainly they'll enable us to employ in the field others who are fit for service; and in time they will themselves become fit for service. My Lords, in the last war I had great experience of the value of several regiments of English militia, and I can assure your Lordships that they were in as high a state of discipline, and as fit for service, as any men I ever saw in my life, even amongst Her Majesty's troops. It was quite impossible to have a body of troops in higher order, or in better spirits, or more fit for discipline, than these bodies of British militiamen were at the commencement of the present century up to 1810; they were as fine corps as ever were seen; and, I say, no doubt these bodies of 50,000 men, or 80,000 men, whatever the number may be, will be so, too, in the course of time. Everything has its beginning, and this is a commencement of an organisation of a disciplined militia; in the same way as, if you are to have a corps of reserve, you must have a commencement, involving some months for disciplining them, before you could have your corps of reserve ready. You must make a beginning here, and you see that it will take some months before you can form reserve regiments. The armies of England, who have served the country so well—are your Lordships so mistaken as to suppose that they were ever composed of more than one-third of real British subjects—of natives of this island? No such thing. Look to all your great services. Look at the East Indies. Not more than one-third of the soldiery there are such British soldiers. Look at the Peninsula; not one-third of the men employed there were British soldiers. Yet I beg your Lordships to observe what services these soldiers performed. They fought great battles against the finest troops in the world; they went prepared to face everything—ay, and to be

successful against everything—or this country would not have borne with them. Not one-third of these armies were British troops, but they were brave troops, and not merely brave—for I believe every man is brave—but well-organised troops. Take the battle of Waterloo: look at the number of British troops at that battle. I can tell your Lordships that in that battle there were sixteen battalions of Hanoverian militia just formed, under the command of a nobleman, late the Hanoverian Ambassador here, Count Kielmansegge, who behaved most admirably; and there were many other foreign troops who nobly aided us in that battle, avowedly the battle of giants, whose operations helped to bring about the victory which was followed by the peace of Europe, that has now lasted for thirty-two or thirty-four years. I say, my Lords, that, however much I admire highly-disciplined troops, and most especially British disciplined troops, I tell you you must not suppose that others cannot become so too; and no doubt, if you begin with the formation of militia corps under this Act of Parliament, they will in time become what their predecessors in the militia were; and if ever they do become what the former militia were, you may rely on it they will perform all the services they may be required to perform. My Lords, I recommend you to adopt this measure as the commencement of a completion of a peace establishment. It will give you a constitutional force; it may not be at first, or for some time, everything we could desire, but by degrees it will become what you want, an efficient auxiliary force to the regular army.

Bill read a second time.

June 22, 1852.

THE 'BIRKENHEAD'—DISCIPLINE OF THE ARMY.

THE DUKE OF WELLINGTON said:

My Lords, in consequence of what passed in the debate on the second reading of the Militia Bill, I have felt it to be my duty to inquire into the state of discipline of the body of troops who were embarked for the Cape in Her Majesty's steam-ship the 'Birkenhead.' As detailed reports have been received, and as all are interested in ascertaining the truth of those reports which have

been made relative to the matter in question, and as to the state of discipline of the regiment on board that steam-ship, it is my duty to move that the reports received be laid upon your Lordships' table. I have therefore to move,—

'That an humble Address be presented to Her Majesty, for a copy of the Order given on the 18th of December last to the several depôts of regiments that sent men to the regiments at the Cape, of which such depôts formed part, which men embarked in Her Majesty's late ship *Birkenhead*; also for a copy of the Order of the 16th of June, requiring the commanding officers of the several depôts to report whether the men embarked in the *Birkenhead* were instructed in firing with ball-cartridge; and also for copies of the Reports received from the several depôts in consequence.'

Motion agreed to.

INDEX.

A.

Aberdeen, Earl of, defends the Duke of Wellington's conduct at Verona, i. 111; justification of his parliamentary conduct with regard to foreign policy (1831), i. 417.

Abjuration, oath of, not invalidated by the Catholic Emancipation measure, i. 241.

Act of Toleration, inexpediency of forcing it upon our West India colonies, i. 681.

Addresses to the Crown, extreme care with which they should be propounded, ii. 184.

Affghanistan, thanks to the army engaged in, proposed and justified by a statement of its operations, ii. 516-27.

Affirmation Bill of 1838, opposed, ii. 231; of 1840, opposed, ii. 449.

Aggregate Body, in Dublin, condemnation of their proceedings, i. 2.

Agitation, what it means in Ireland, i. 310, 655; retrospect of, ii. 662.

Agrarian disturbance in Ireland, the result of political agitation, ii. 153.

Agrarian riots in 1830, considered, i. 386, 395.

Agricultural produce in England, progressive increase of, anticipated, ii. 275.

Agriculture, protection to, essential to the prosperity of the country, ii. 266.

Albert, Prince, terms of the announcement of his marriage with the Queen, criticised, ii. 383; reason why mention of his being a Protestant was suppressed in that announcement, 385.

Aldermen, their relation to the Corporation Bill of 1835, ii. 29.

Alliance between England and France need not be affected by differences in political opinion, ii. 452.

Allowance system under the Poor Law denounced, i. 731.

Althorp, Lord, the right hand of the Administration with which he was connected, ii. 2.

Ambassadors, the great responsibility of Ministers in relation to their appointment, ii. 8.

Anatomy Bill of 1829, why postponed, i. 325.

Anglesey, Marquis of, explanation of his recal from Ireland, i. 304-312.

Anglican Church described, i. 178; various proposals for its increased security (1829) considered, i. 267.

Anglican Church in Ireland, position of (1829), i. 264; menaced with danger from the Reform Bill, i. 470; advantages of, ii. 664.

Anstruther, General, commendation of his bravery, i. 47.

Ashburton Treaty sanctioned, ii. 505.

Assistant barristers in Ireland, their institution vindicated, i. 281; care to render them independent, i. 293.

Armagh, the appointment to the archdeaconry of (1843), justified, ii. 561; particulars of the benefice, 563.

Armies of England, how composed, within the Duke's experience, ii. 735.

Arming the people, the Melbourne circular authorizing the (1839), considered, and danger of such circulars pointed out, ii. 299.

Arms, the open carrying of, by the Irish, denounced, ii. 715.

Army, the British, expediency of preventing persons known to be guilty of any crime from entering it, i. 169; regulation of, ii. 617; essentiality of its maintaining a high character in every respect, ii. 670; excellence of its discipline and conduct described (1846), ii. 674.

Army courts martial, reason why they require to be of a more rigorous character than naval courts martial, i. 44.

Army, discharge from the, expediency of its being considered a punishment, ii. 683.

Army promotions, how conducted (1809), i. 48.

Army Service Bill of 1846 considered, ii. 675, 682.

Atcheson, Captain, his dismissal for insubordination at Malta explained, i. 718-723.

Auchterarder case, the, explained, ii. 564.
Augusta of Cambridge, Princess, address on her marriage moved, ii. 559.
Ava, the campaign in (1826), commended, i. 135.

B.

Badajoz, thanks of Parliament for the victory of, acknowledged, i. 82, 83.
Ballot, the, condemned as a sneaking course, ii. 187, 304.
Bank Charter Bill (1833) considered, i. 686-689; amendment to substitute in the legal tender clause 10*l.* for 5*l.*, *ib.*
Bank-notes, Scotch and Irish, Bill (1828), explained, i. 196.
Bank Restriction Act, promotive of a sounder and larger circulation, i. 322.
Banking in Scotland, contra-distinguished from banking in England, i. 198, 199.
Barlow, Sir G., his treaty with Scindiah approved of, i. 13.
Bastardy clauses of the Poor Law Amendment Bill, mitigative amendment proposed in, rejected, i. 750.
Beer-houses, proposal to restrict their hours of business, i. 437.
Beer, sale of, Bill, described, i. 374-376.
Belgian frontier fortresses, their demolition deprecated, i. 423 *et seq.*; the Duke of Wellington's official position towards them, i. 438.
—— negotiations of 1831, considered, i. 431 *et seq.*
Belgium, policy of England towards, i. 418; the presence of French troops there (1831) deprecated, i. 438, 450; the importance of her remaining an independent kingdom, i. 450; M. Perier's speech regarding her, criticised, i. 504.
—— and Holland, the treaty for their separation (1830) considered, i. 481.
Bengal, the source and spring of the power of India—expediency of retaining it under the immediate care of the Governor-General, i. 650.
Benningham, Rev. Mr., reference to his case, ii. 590.
Bentinck, Lord William, his view as to the government of Oude, i. 709.
Beresford, Viscount, explanation of his correspondence with the Portuguese Government, i. 181.
Bhurtpore, the taking of this fortress by the British forces eulogised, i. 135.
Bilbao, siege of, in 1836, considered, ii. 118.
'Birkenhead,' motion for returns illustrating the discipline of the regiment embarked in that vessel, ii. 737.
Birmingham reform meeting, the utter contempt with which the Duke of Wellington regarded it, and all meetings of that intimidatory class, i. 474, 475.
Birmingham, riots at (1839), animadverted upon, ii. 310; the Duke's opinion of their outrageous character vindicated the charge of exaggeration, 319, 320; from inadequacy of the police there (1839), ii. 367.
Bishops in the House of Lords, caution to be exercised in adding to their number, ii. 550.
—— in Ireland, objection to a diminution of their number, i. 662, 663.
Blackstone, his account of the statutes of Oxford University quoted, ii. 163.
Blasphemous libels, necessity of rendering the law (1819) more stringent against them, i. 105.
Blockades, tests of their legality, ii. 254.
Bloodshed, the Duke of Wellington's earnest desire to avoid it, i. 552.
Board of First Fruits in Ireland, objection to interference with, i. 662.
Bolton police (1839) eulogised, ii. 373.
Booty in India, its distribution considered, ii. 724.
Borough magistrates, Lord John Russell's circular respecting their appointment considered, ii. 47.
Braganza, policy of the British Government towards the house of (1829), i. 332.
Bravery, universality of the attribute, ii. 736.
Brazils, negotiations with the (1829), i. 332.
Brereton, Colonel, his conduct at the Bristol riots commended, ii. 691.
Bristol riots, the (1831), and the Lyons riot, described and discriminated, ii. 691.
British Guiana, Lord Brougham's resolutions respecting the importation of laborers into, considered, ii. 188.
—— Legion in Spain, inutility and mischief of its operations described (1836), ii. 116 *et seq.*; a complete failure, ii. 222.
—— military officers, the strict honor of their character vindicated, ii. 227.
Brougham, Lord, his views with regard to Canada (1837) criticised, ii. 170; his resolutions respecting Negro Emancipation considered, ii. 183; his resolutions respecting British Guiana considered, 188; his Canadian Declaratory and Indemnity Bill supported, ii. 245 *et seq.*; the chief author of Poor Law Amendment, ii. 301; his five resolutions on the administration of justice (1839) eulogised, ii. 354; his intimate knowledge of continental politics,

ii. 697; his judicial conduct in the House of Lords eulogised, ii. 721.
Burke and Hare, reference to their case, i. 325.
Burrard, Sir H., his counteraction of Sir A. Wellesley's plans in Spain (1809), i. 60.

C.

Cabinets, freedom of opinion in the ministers composing them, i. 147.
Cambridge University, constitution of, i. 698. *See* Universities.
Campbell, Sir Archibald, his operations in Ava commended, i. 135.
——, Sir John, his consular conduct at Lisbon censured, i. 447; his case considered, i. 740.
Canada, the importance of conciliating, i. 313; reasons why the executive councils of, should not be responsible to the Houses of Assembly, i. 314; explanation of the composition of the executive and legislative councils, i. 314, 315; rebellion in, and the Government policy thereon (1837), considered, ii. 168-173; the warfare in, characterised (1838), ii. 258; in 1839, denounced, ii. 294; essentiality of maintaining an adequate force of regular troops there, 296; imbecility of British rule there in 1839, ii. 336; retrospect of the Duke's parliamentary course towards, ii. 376; the retention of, by England, essential, among other advantages, to the retention of all her North American possessions, ii. 428; the union of the two provinces opposed, ii. 428; responsible local government in, considered, ii. 430; parties in, described (1840), ii. 437; Government despatches respecting the provinces (1839), criticised, ii. 437.
—— Government Bill (1837) considered, ii. 174-181; 1840, opposed, ii. 427; protest against its third reading, ii. 442.
——, Lower, the question of an elective legislative council in, considered, ii. 173, 179; Lord Glenelg's resolutions respecting (1837), considered, ii. 144-147.
—— Government Bill (1839) considered, ii. 334.
——, Crown property in, disposition of, explained, ii. 458.
——, Upper, the legislature of, eulogised, ii. 431.
Canadian Loyal Volunteers eulogised, ii. 338.
Candia, why this island was omitted from the new territory of Greece, i. 344.
Canning, Mr., the Duke's course towards him (1827) explained, i. 121-133.
——, disavowal by the Duke of Wellington of personal hostility towards him, i. 149.
——, retrospect of his public claims i. 170.
——, his holding two cabinet offices concurrently, ii. 4.
Capital, enormous loss of, occasioned by loans to foreign countries between 1820 and 1829, i. 323.
Carlile, R., reference to his case, i. 106.
Cash payments, increase of the national prosperity under, i. 321.
Castlereagh, Lord, his diplomacy extolled, i. 566.
Catholic Association, bill for suppressing, explained, i. 228-234; mischievous principles of the association described, 228, 229; political necessity of suppressing it prior to the concession of Roman Catholic claims, 231, 232; retrospect of the association and of the laws affecting it, 232, 233, 239, 247.
—— claims, explanation of their concession, i. 593.
—— Committee in Ireland described, i. 232.
'Catholic Emancipation,' repudiation of this term as applied adversely to the measure of 1829, i. 223; beneficial effect of, on the question of the repeal of the Union—the Duke's conduct in reference to the measure vindicated, i. 385.
—— monasteries in this country, difficulty of effecting a return of their numbers, i. 243.
'Catholicism in Austria,' reference to this book, i. 244.
Charitable Trustees Bill (1836) opposed, ii. 79.
Cheap food, how to be effected for this country, i. 363.
Cherry, Mr., his conduct in the King of Oude's case, i. 706.
Chartists of 1839 characterized, ii. 382.
Chartist demonstration of 1848, its failure explained, ii. 691.
Chief Justice of the Queen's Bench, Lord Brougham's motion to exclude him from the regency, opposed, ii. 150.
China, court of judicature, English, in, expediency of, ii. 425.
—— river, English disasters in (1839), the result of the misgovernment of Viscount Melbourne, ii. 394.
—— trade, the, should not have been taken from the hands of the East India Company, ii. 424.
——, reference to the war in, ii. 502;

the conduct of the Peel Government in respect to it contrasted with that of Viscount Melbourne, 503 ; thanks to our army and navy engaged in, proposed, and justified by a detail of their operations (1842), ii. 505, 516.
China, war with, considered (1840), ii. 418 ; its real causes, ii. 422.
—— war (army and navy) medal, its grant described and justified, ii. 654.
Christianity, the exclusive foundation of the education at our two universities, i. 744.
Church accommodation, the first means for providing additional, should be supplied by the Church itself, ii. 446, 447.
—— of England, its true security in union with the State, i. 158 ; the conduct of the Melbourne Government towards it censured, ii. 198-201, 203.
—— cess in Ireland, practical extinction of, by Earl Grey's policy, i. 659.
—— Discipline Bill (1838) objected to, ii. 236.
—— and State, their union considered, i. 745.
—— in Ireland, position of, in relation to the Act of Union, i. 589, 590 ; building of churches there, expediency of encouraging, i. 663, 664 ; the commission of inquiry into (1834) criticised, i. 714-717 ; conduct of the Melbourne Government towards it censured, ii. 203 ; the establishment supported, ii. 594 ; its claim to permanent protection, ii. 659 ; its revenues not odious to the Roman Catholics, ii. 661 ; necessity of aiding its means of instruction, ii. 199 ; statistics of its church accommodation, *ib.*
—— of Ireland Bill of 1835 considered, ii. 37 ; do. of 1836, observations upon its second reading, ii. 74.
—— of Scotland, the conduct of the Melbourne Government towards it censured (1838), ii. 198.
—— Benefices Bill, supported, ii. 564.
—— Temporalities (Ireland) Bill, a measure inconsistent with the policy of the country since the Reformation, i. 651 ; its reduction of interest on mortgages of perpetuities successfully opposed, ii. 89, 90 ; the control of the Treasury over the Ecclesiastical Commissioners as to the disposal of funds successfully opposed, ii. 90.
Cinque Ports Pilots Bill (1834) resisted, i. 756-760 ; description of the body to which it applied, and of their public services, *ib.* And *see* Pilots.
Cintra, Armistice of, observations upon, i. 62.
Cintra, Convention of, defence of, in answer to Lord H. Petty, i. 57.
Circulating medium in England (1828) estimated, i. 199, 200.
Circulation, monetary, distinction between the English and the Scotch, i. 198.
——, state of the, in 1830, i. 338, 340.
Ciudad Rodrigo, thanks of Parliament to Lord Wellington for the victory of, i. 79 ; acknowledged, 80.
Civil List, the, retrospective account of, i. 414-417.
—— war, so fearful an evil that the Duke would have averted even one month of it from England, at the sacrifice of his life, i. 260.
Clergy, the, should themselves take the first steps for providing additional church accommodation, ii. 446 ; their position described—expediency of properly remunerating them, ii. 621.
—— Reserves (Canada), the subject of, considered (1840), ii. 399 ; motion of the Bishop of Exeter for taking the opinion of the Judges thereon, supported, ii. 404 ; the reserves clearly destined only for a Protestant clergy, ii. 405.
Coals in London, high price of, not occasioned by the duties, but by abuses in the trade (1829), i. 253 ; imposed for expedient public purposes, i. 319.
Coal Duties Repeal Bill (1831), objections to this measure, i. 435 ; supercession of the House of Lords in the matter, i. 436.
Coercion Bill (1833), reference to, i. 657.
Colombia, effect of the emancipation of slaves in, i. 633.
Colonial Commission of 1830 described, ii. 204.
—— executive and legislative power, and Home executive and legislative power, discriminated, ii. 179.
Colonies, essentiality of maintaining undisputed and uncontrolled dominion over, in the Crown, ii. 436.
Colour, people of, the disqualifications they labor under in all parts of the world, i. 569.
Combermere, Lord, his conduct in the taking of Bhurtpore eulogized, i. 134.
Combinations, illegal, in 1839, denounced, ii. 382.
Commandership-in-Chief not a political office—its nature and relations towards the Sovereign and towards the Minister, i. 129 ; why the Duke resigned it in 1827, i. 133.
Commanding officers on foreign stations, their position illustrated by the Duke of Wellington's own experience, ii. 534.

Commendams, one of those anomalies in the Church which impair her security, ii. 83.
Commerce of Great Britain, primary importance of its having full protection, ii. 251; not affected by the Corn Law (1842), ii. 485; great progress of, ii. 486.
Commons, House of (English), perfection of its constitution, i. 406; its probable composition under the Reform Bill, i. 468; (Irish), its freedom asserted, i. 2.
Concordat described, i. 177.
Constabulary (Ireland) Bill (1836), censured for its expensive machinery, ii. 50; and for its placing the force too absolutely under the direction of the Lord-Lieutenant, ii. 51.
Constabulary and army in Ireland, condition and patronage of, in 1845, considered, ii. 612.
Constitution, the Duke's earliest public declaration in support of the, i. 1; not necessarily dependent on the strict adhesion to old enactments, i. 162.
Continental affairs, aspect of, in 1849, reference to, ii. 697.
Coolies—*see* East Indian laborers.
Copenhagen, Sir. A. Wellesley's conduct at the taking of, the thanks of Parliament for, acknowledged by Sir Arthur in his place, i. 38.
Corn, prohibition of its importation considered, i. 153; the prohibition a recent principle in England—its inconveniences, i. 182; necessity of protecting our own growth, i. 364, 367; position of, as an article of commerce, and as to price, in various countries, ii. 482; reliance of England upon her own produce considered, ii. 487; influence of, upon currency considered, ii. 488.
—— Bill of 1828 explained, i. 182.
—— duties, scale of, as proposed by the Wellington administration in 1828, i. 155.
—— Importation Bill of 1842 considered, ii. 480; Act of 9 Geo. IV. commended, ii. 482; Importation Bill of 1846, the Duke's motives for supporting it, ii. 666.
—— laws, explanation of the Wellington Government measure regarding them (1828), i. 150; their repeal impossible without injury to the country (1830), i. 346; arguments against Lord King's resolutions in favor of their repeal (1830), i. 363; reference to their operation, ii. 250; Earl Fitzwilliam's motion condemnatory of them, opposed, ii. 272; Lord Brougham's proposition for hearing evidence at the bar of the House of Peers on them opposed, ii. 261; danger of altering them (1830), ii. 263; great public object of, ii. 466, 468; absence of due inquiry into them, ii. 475; the laws vindicated (1841) against Earl Fitzwilliam, ii. 465.
Corn, price of, retrospect of, i. 364; fluctuations in, not so great in England as in Holland, ii. 469.
—— trade in 1838, comparative steadiness of, ii. 273; retrospect of (1838), ii. 264.
——, warehousing of, the necessity (1827) of its being carefully guarded against fraud—an amendment proposed by the Duke of Wellington on the subject, i. 136–139; should be facilitated in this country, i. 192.
—— Warehousing Bill, the amended, supported, i. 140; the Duke's letter to Mr. Huskisson on the subject, i. 141; operation of, i. 154.
Coronation Oath, the, not affected by the Catholic Emancipation measure, i. 249.
Corporal punishment, its real effect on the army, ii. 679.
Corporations, amendment respecting, moved and adopted in the Address to the Crown (1836), ii. 45.
Corporations of England, their position (1835) in the Duke of Wellington's opinion, ii. 23–25; their reform necessary, ii. 25.
Corporations in Ireland, their exclusive principle under the old system—the excessive preponderance of the Roman Catholic power created in them under the measure of 1836, ii. 63; the new governing class and their powers described, ii. 64, 65.
Corruption at elections, expediency of its being punished, ii. 78.
Corry, Mr. Trevor, reference to his case, ii. 242.
Cottenham, Lord Chancellor, his inquiries respecting magistrates censured, ii. 234.
Cotton, increase of the trade in, ii. 543; and wool duties considered, in reply to Lord Monteagle, ii. 542, 543.
County meetings, under what circumstances they are entitled to weight, i. 107.
Court of Inquiry (1809), Sir A. Wellesley's feeling respecting it, i. 64.
Courts-martial, the more extensive employment of district, in lieu of general courts-martial, recommended, i. 251; various changes effected in, by the Mutiny Act of 1829, *ib.*
—— in proclaimed districts of Ireland, question as to the approval of their decisions, i. 592; amendment of the

Commons as to their summary process criticised, i. 594.
Coventry, corporation of, its demand to be heard by counsel against the Municipal Corporations Bill, supported, ii. 19.
Cracow, events at, in 1846, considered, ii. 671.
Credit, unsound facility of, during the war, i. 321.
Cromwell, Oliver, his opinion of the revolutionary parliament cited, i. 473.
Crown, influence of, in the House of Commons, its gradual decrease, i. 531.
Crown pensions, great diminution in their amount, i. 724.
Crown and Government Security Bill (1848) supported, ii. 690.
Cumberland, Duke of, withdrawal of his confidence from the Duke of Wellington, regretted, i. 299.
Currency Act of 1826 commended, i. 197, 203.
——, observations upon the, in reply to Lord Carnarvon, i. 320 *et seq.*
Curtis, Dr., the Duke's letter to him referred to, i. 236; Lord Anglesey's letter to (1829), commented upon, i. 307-312.
Custodes Rotulorum in Ireland, their especial fitness to recommend magistrates, i. 422.

D.

Dalhousie, Earl of, vote of thanks to him and to the army of India, supported, ii. 700.
Dalrymple, Sir H., his opposition to Sir A. Wellesley's views in Portugal (1809), i. 71.
Degrees at the Universities, their effect—impossibility of admitting Dissenters to them, with safety to the collegiate discipline and education, i. 743.
Demagogues, danger of appointing them to the magistracy, ii. 373.
Demerara, manumission of the slaves in, i. 487.
Democratic power, the unlimited increase of, the inevitable result of the Reform Bill, i. 471; its evils described and illustrated by the revolutionary parliament of 1640, i. 472, 473.
Dent, Mr., reference to his case, ii. 423.
Dewan Moolraj of Mooltan denounced for his treachery, ii. 701.
Disfranchisement clauses in the Reform Bill, Lord Lyndhurst's proposition for their postponement supported, i. 540.
Dissection, subjects for, importance of providing, i. 325.
Dissenters, their admission to the Universities resisted, i. 698-700; position of Dissenters at, i. 700; the subject renewed, on the presentation of a petition from the University against their admission, i. 701, 702; Admission of, to Universities Bill resisted, i. 739-746; great distinction between admitting them by sufferance and admitting them of right, 741; their admission to the Universities again resisted, ii. 14.
Distillation, illicit, in Ireland, considered, ii. 539.
Distress of the country, 1829, how occasioned, i. 321-324; in 1830, how occasioned, i. 337; of 1842, the mode of procuring relief for it by the Government vindicated, ii. 490.
Dolly's Brae, affair at, referred to, ii. 715.
Dublin, Lord Wynford's motion to exclude this city from Schedule A of the Municipal Corporations (Ireland) Bill of 1840, opposed, ii. 434.
Dublin, coal duty in, no material hardship to the people there, i. 189; explanation on the subject, i. 695.
Dublin University, differences between it and the Universities of Oxford and Cambridge, i. 744.
Duigenan, Dr., his appointment as privy councillor vindicated, i. 42.
Dundas, General, his conduct in the Punjab eulogised, ii. 702.
Durham Bishopric Bill (1836) supported, ii. 54.
Durham, Earl of, Lord Brougham's condemnation of his ordinances supported, ii. 243; his policy in Canada considered, 245 *et seq.*

E.

East Indian finance, speech (in answer to Lord Morpeth) explanatory of, i. 11-34.
—— army, distribution of (1803), i. 20; (1804), i. 21; should not be employed in the collection of the revenue, ii. 532.
East India Board of Directors, changes in, under the measure of 1833, deprecated, i. 648.
East India Company's Bonds Bill, supported, i. 36; the Company's charter, proposed renewal of, in 1833, criticised, i. 644; the Company's debt in 1805 explained, i. 15, 22; its assets in 1803, i. 16; in 1805, i. 23; estimate of its probable future revenue, i. 17; its probable

expenditure in time of peace, i. 18, 19, 22, 24; the Company's dividends, evil of having to remit them from India pointed out, i. 647; the Company's government extolled, i. 644; injustice done to it by the measure of 1833, i. 645; effect of suppressing its trade, upon the city of London, 646.
East Indian laborers, their importation into Mauritius and our West Indies considered, ii. 189; and recommended, 190; the Duke of Wellington's plan explained, 192, 193.
Ebrington, Lord, his announced policy as Lord-Lieutenant considered, ii. 267.
Ecclesiastical Commission of 1834-5 described, ii. 551.
—— Duties and Revenues Bill, Church Extension Bill, supported, ii. 445.
—— Titles, the assumption of, by Papists in this country, various measures taken to prevent, i. 289.
—— Titles Assumption Bill, supported, ii. 725.
Education in Ireland should be founded on the whole Scriptures, i. 556; the Duke's opposition to joint education there withdrawn, ii. 647.
——, Government, the Archbishop of Canterbury's motion for an inquiry into (1839), supported, ii. 308.
——, public and private, no ground for any distinction between, i. 497.
Edwardes, Major, his conduct in the Punjab eulogised, ii. 704.
Eldon, the Earl of, the Duke of Wellington's feeling towards him, i. 235; his opposition to the Catholic Relief Bill controverted, i. 296; his dispensation of patronage justified, i. 503; his ascribing the Church Temporalities (Ireland) Bill to the Duke of Wellington's Catholic Relief Bill controverted, i. 668.
Elective franchise in France referred to, i. 412.
Ellenborough, Lord, his instructions to General Nott eulogised, ii. 525; thanks to him voted, 526; his government of India defended against Lord Clanricarde, ii. 529, 539; his sense of religion illustrated by his letter from Simla to the chaplains in India, ii. 538; his recal from India denounced — his government eulogised, ii. 596, 597.
Elliot, Captain, his conduct in China eulogised, ii. 421, 423.
Elphinstone, General, his conduct in India criticised, ii. 532.
Emancipation of slaves, points for consideration in the, i. 532.
England, the sovereign of, no distinction can be drawn between his legislative and his executive capacity, i. 652; especial privileges of her humbler classes, ii. 477; the nature of her due interference in the affairs of other countries described, ii. 685.
England and France, how the so desirable union between them, with a view to general peace, can best be effected, i. 506.
Ensigns, their pay too small, i. 34.
Episcopal revenues cannot expediently be fixed by Parliament, i. 514.
Established Church in Ireland, its income, ii. 34.
—— Bill (1836) supported, ii. 82.
Equitable adjustment, Lord Goderich's views on this subject considered, i, 367.
Europe, the settlement of, in 1814 and 1815, its beneficial effects, i. 483.
Europeans, the policy of checking their resorting to India, i. 650.
Evans, General, his bad generalship in Spain demonstrated, ii. 118; military inefficiency of his troops in Spain, ii. 120.
Expenditure, reductions in, effected by the Duke of Wellington's Government, i. 477.

F.

Factions, their maleficial operation in all directions in 1839, ii. 379.
Family affairs of public men, inexpediency of their being made topics of parliamentary discussion, i. 504.
Ffrench, Lord, his dismissal from the commission of the peace, ii. 555.
Finance, report of the Commons' Committee on, commended (1828), i. 215.
Finances of the country, position of, in 1830, i. 348, 377; in 1831, i. 475; in 1832, i. 570; in 1839, ii. 350; in 1843, ii. 577-583.
First-fruits, in Ireland, Sir John Newport's motion for a revaluation of, opposed, i. 43.
First Lord of the Treasury, the, is possessed of no especial power over the Treasury, ii. 5.
Fitzgerald, Edward Fox, eulogised, i. 105.
Fixed duty on corn, its impolicy explained, i. 151; ii. 484.
Flogging in the army, should be diminished as much as possible, but cannot for the present be wholly discontinued, ii. 669.
Food, dependence upon foreign countries for the supply of, deprecated, ii. 276.
Foreign countries, interference with the internal affairs of, on mere grounds of opinion, deprecated, ii. 219.

Foreign officers, why they are not permitted to serve in our army, i. 451.
—— policy, ordinary parliamentary course of Government with regard to, i. 328.
—— troops, their occupation of a country, when justifiable, i. 440.
Fort St. George, reference to the Duke's command there—allegation of the extravagance of its government refuted—reasons against the abolition of the presidency, i. 649.
Forty-shilling freeholders in Ireland, Bill regulating their franchise explained and justified, i. 276-280; distinction between this franchise in England and in Ireland, i. 278; reasons for not including freeholders in cities and boroughs in the measure, i. 293; objection to their continuance (1832), i. 559, 560.
Forum Domesticum, propriety of retaining it, ii. 236.
Foster, Mr. Leslie, his opinion on education in Ireland, i. 497.
——, Baron, his charge to the grand jury of Tipperary in 1837, ii. 129.
Fourteenth Dragoons, the, their retreating in the Punjab operations explained, and their military character vindicated, ii. 703, 704.
Fox, Mr., his opinion as to the essential nature of legislative councils, ii. 173.
France, the virtues, talents, and resources of her population, i. 507; comparative insignificance of British commerce with (1831), i. 454; futility of the idea of commercial reciprocity with, *ib.*; large extent to which her honour and interests were sedulously consulted by the Duke of Wellington, ii. 454; and why, 455; increase of her expenditure under Louis Philippe, i. 534.
——, revolution in 1830, effect of, upon the popular mind in England, i. 397, 398.
——, slave-trade suppression treaty with, effect upon, of the measure of 1839, ii. 360.
Free press, in Malta, absurdity of the proposition, ii. 265; its mischievous purpose pointed out, 206; in India, dangers from, ii. 537.
Free trade, the necessary non-existence of, in this country (1832), i. 501.
Freemen in Ireland, sons of, amendment to save their rights, i. 566.
French officers, their employment in the Belgian army condemned, i. 449-452.

G.

Gally-Knight, Mr., his views as to the introduction of a Concordat into England, controverted, i. 178.
Game Laws Bill (1831), amendment proposed in, as to trespass, i. 448.
—— privileges, the propriety of maintaining them in the hands of the gentry, i. 448.
General assembly of the Kirk of Scotland, their petition in favor of national education in Ireland, criticised, i. 554.
General Association of Ireland, objection to the appointment of its members to official positions, ii. 130.
George IV. characterised, i. 371, 372; address of condolence on his death moved, 373.
Glove manufacturers, consideration of their claims to additional protection (1832), i. 502.
Government, the, its business in Parliament, i. 412; its efficient action inconsistent with the parliamentary reform proposed in 1831, i. 413.
——, the, of King, Lords, and Commons, what it is, i. 468; of England up to 1831, its beneficial operation, i. 471.
——, the Duke's great wish to see a real government in this country, ii. 375; and why, 376.
—— patronage, its dispensation to the patrons' connections, being fit persons, justified, i. 503.
Graham, Captain, reference to his case, i. 517.
Grant, Mr., his conduct in the King of Oude's case censured, i. 705.
'Great countries can have no such thing as a little war,' ii. 168.
Greece, French troops in, question respecting, i. 568; pacification of, position of this question in Feb. 1830, i. 341; policy of England towards, vindicated (1828), i. 206-209; relations of Great Britain with, in 1829, i. 331.
Greek Loan Bill of 1836 considered, ii. 93.
—— Loan Convention Bill criticised. i. 567.
Green, Mr., of Kilkenny, his testimony to the beneficial effect of the Suppression of Disturbances (Ireland) Bill, i. 727.
Grey, Earl, his policy towards Belgium (1831) approved of, i. 419; his exalted opinion of the House of Commons in 1817, i. 457; his financial policy (1831) criticised, i. 478-481; his policy towards Belgium and Holland, i. 484 *et seq.*; members of his government denounced for exciting agitation, i. 494; his conduct towards Holland censured, i. 581-586; effect of his policy, i. 654-655; his conduct towards Portugal censured, i. 611, 622 (*passim*); the breaking up of his government explained (Feb. 1835),

ii. 1; the Duke of Wellington's relation to the occurrence explained, 3.
Guarantees not to be required by members of a government from any one deserving to be at their head, i. 147.
Gwalior, the fortress of, estimate of its value, i. 13.

H.

Hagan the Ribandman, reference to his evidence in 1842, ii. 500.
Hampden, Dr., observations on his case, ii. 160-165.
Hanover, the Concordat in, i. 179.
Hanoverian troops at the battle of Waterloo, their conduct eulogised, ii. 736.
Harrowby, Earl of, his withdrawal of opposition to the Parliamentary Reform Bill criticised, i. 520.
Hastings, Marquis of, thanks of parliament to, supported, i. 104; his view of the King of Oude's case, i. 709.
Hay, Lord John, his despatches criticised, ii. 109.
Head, Sir F., his government of Canada commended, ii. 433.
Hebbert, Mr., his memorial to Lord John Russell, with relation to the Birmingham riots, ii. 322; his further letter on the subject, 323.
Highway robberies, how suppressed, i. 327.
Hill, Mr. Rowland, his penny postage plan commended, ii. 347.
Hislop, Sir T., his execution of the killader of Talnier justified, i. 102.
Holkar, treaty with, approved of, i. 13.
Holland, the injustice of her treatment by the Conference of London, i. 482 *et seq.*; importance to her of the alliance of England, 483; amount of her payments for Belgium, i. 491; the King of, his conduct towards England in 1832, i. 584; abandonment of his cause by Earl Grey, 582.
—— and Belgium, the policy of the Duke of Wellington's government towards these powers, i. 484.
Home-market for our manufactures, our best resource, i. 366.
Honorary distinctions, solely within the donation of the Crown, ii. 650.
Huskisson, Mr., a communication of his to the Duke of Wellington, on the subject of bonding corn, commented on, i. 137, 141; his letter to the Duke on the subject, i. 143; his speech at Liverpool (1828) as to the administration of the Duke of Wellington, i. 147.

I.

Imprisonment for Debt Bill (1836), its postponement proposed, with a view to correct its defects, ii. 69; propriety of dividing it into four Bills, ii. 71.
Income Tax measure of 1842, supported as a matter of necessity, ii. 492, 493; its contingent value in reducing other taxes, ii. 495; its contemplated duration, ii. 496.
India, army of, eulogized, i. 102; subordination of religion to discipline in its ranks, ii. 536; war medal, its grant by Lord Ellenborough described and justified, ii. 653.
——, British population in, ii. 537; expediency of an independent Board in London to represent her interests, i. 651; natives of, the expediency of employing them in the revenue and judicial establishments of the country, i. 650; capital in, explanation of its extent and position in trade, i. 651. confiscation of conquered lands and property in, appropriation of, considered, ii. 707; idolatry in, danger of meddling with it, ii. 357.
——, 'Governor in Council' in, importance of the principle of this institution, i. 648; this officer already (1833) invested with quite sufficient power, i. 650; the right in the Court of Directors to recall him should be exercised with extreme caution, ii. 596; his position and powers, ii. 724.
Indus, army of the, eulogized, ii. 390, 391.
Infantry troops, inexpediency of employing them in civil disturbances, ii. 207.
Insolvent Debtors' Court (1836), beneficial working of, ii. 73.
Ireland, how she is to be tranquillized, i. 386; agitation in, how fostered, i. 493; agitation and secret societies in, denounced (1848), ii. 694, 695; to what her disorganized condition is attributable (1831), i. 498; the perpetual conspiracy of her priests and demagogues against our government, i. 592; great internal advantages of, i. 601; distress in, described, ii. 213.
——, distress in, to what owing, i. 597, 601.
——, education in, a subject long considered by the Duke of Wellington, i. 495; grounds for hesitation in forming a decisive opinion thereupon, i. 496; the subject further considered (1845), ii. 647.

Ireland, inland navigation in, its advantages described, i. 72.
——, landlords in, the unfairness of forcing upon them the payment of tithes, i. 500; their anxiety to perform their duties to the country (1832), i. 517; their position with regard to tithes, i. 625.
——, magistrates of, their invidious position in relation to the government (1832), i. 516.
——, outrages in, how most effectually prevented, i. 109.
——, pauperism of, considered, ii. 571, 572; its aggravation by agitation, ii. 572.
——, policy towards, in 1830, considered, i. 385.
——, position of, in 1832, considered, with reference to Lord Roden's motion concerning the Protestants in that country, i. 548.
——, progress of, since the union, ii. 659.
——, remedial measures for, reviewed, ii. 694.
——, state of, prior to the Catholic Relief Bill, i. 256, 278; in 1834, i. 734; in 1837, ii. 152; in 1838, ii. 279; in 1843, ii. 572, 573; in 1846, ii. 658.
——, the union with, extolled, i. 703; supported, ii. 548; repeal of, review of the agitation for, ii. 566.
Irish Insurrection Bill, supported against the objections of Lord Holland, i. 108; the desire of the gentry of Ireland (1832) for its revival quite natural, i. 516.
—— agriculture, necessity of protecting, i. 152.
—— Bank Bill of 1839, the conduct of the Melbourne Government in relation to it, animadverted upon, ii. 380.
—— outrages in 1842, considered with reference to the then government of Ireland, ii. 499.
—— Tithe measure of 1837, characterised as worse than its predecessors, ii. 136.
—— and Scotch spirits, duties on, considered, ii. 540.

J.

Jamaica, retrospect of the Duke's parliamentary course towards, ii. 377; Government Bill of July, 1839, considered, ii. 305; House of Assembly of, expediency of its maintenance, ii. 306.
Jews, their claim to corporate or public office repudiated, i. 165; their emancipation resisted, i. 671-674.
Judgment debtors, their limited number (1836), ii. 71.
Juries (India) Bill, censured, i. 568; (Ireland) Bill, 1833, objections to, i. 598.
Jury system in Ireland (1833) exposed, i. 599.
Justices of the peace, who are fit person to be appointed to this office, ii. 233.

K.

Kaffir warfare, what it is, and how it must be counteracted, ii. 729, 730.
Kildare-street Society, its operations commended, i. 496.
Kilkenny, assizes of (1833), described in illustration of the state of Ireland, i. 599.

L.

Labor in Ireland, mortgage of, for rent, denounced (1846), ii. 680; in the West Indies, position of, i. 634.
Laboring poor, the motion of the Duke of Richmond for a Committee upon their condition opposed, i. 351-357.
Landed Property (Ireland) Bill, 1847, supported, ii. 679.
Law of the land, the attachment with which the people regard it, i. 475; the growing contempt for, in England, in 1848, ii. 690; the previous respect for it, in the public mind, illustrated by reference to the Bristol riots of 1831, ii. 691.
Legislative Councils in British North American colonies, expediency of improving their composition, ii. 147.
Legislators, the duty of, with regard to Acts of Parliament once passed, exemplified in the Duke of Wellington's own rule of conduct, ii. 647.
Legislature of England, its high excellence, i. 387, 406, 410.
Leopold, King, his arrangements with Louis Philippe (1831) censured, i. 438, 439, 450; his talents commended, i. 487; favoritism towards, on the part of Earl Grey, exposed, i. 583-586.
Letters of marque described, and their non-application to the suppression of the slave-trade pointed out, ii. 185.
Levant, announced policy of Lord Melbourne's Government with relation to (1841), commended, ii. 451.
Libels on individuals in Parliamentary Papers, considered, ii. 401.

Limited enlistment, its probable effect (1846), ii. 676, 683.
'Little wars' impossible for a great nation, ii. 259.
Liverpool, the corporate management of, applauded (1835), ii. 21.
London Bridge approaches, i. 319.
——, Conference of, on Belgium and Holland, criticised, i. 482 *et seq.*; the corporation accounts, question as to their production, i. 316; royal visit to, Nov. 1830, the circumstance of its not taking place explained, i. 388-394; further reference to the subject, i. 458, 459.
London and Westminster Bank Bill criticised, i. 717.
Londonderry, the Marquis of, his declining the embassy to Russia in 1835, commended—his public services described, ii. 7.
Lord-Lieutenant of Ireland, nature and constitution of the office, i. 306; his especial duty to exercise the royal prerogative of mercy with great discretion—entire absence of such discretion on the part of Lord Normanby, ii. 129; his patronage with reference to constabulary explained, ii. 614, 616; abolition of the office deprecated, i. 421, ii. 717.
Lords-Lieutenant of counties in Ireland, their substitution for Governors of counties sanctioned, i. 420; should be resident functionaries, i. 422.
Louis Philippe, his policy towards Belgium (1831) criticised, i. 423 *et seq.*, 508; his conduct towards Portugal (1831) denounced, i. 426.
Lovett and Collins, Messrs., observations on their case (1839), as brought forward by Lord Brougham, ii. 314.
Lucan, Lord, dismissal of, considered, ii. 283.
Lyndhurst, Lord, his genius and eloquence, ii. 27; his speech on the business of the session (1836), supported, ii. 96.
Lyons riots, the (1831), and the Bristol riots, described and discriminated, ii. 691.

M.

M'Dermott, Mr., his appointment as a Commissioner of Public Instruction in Ireland, condemned, ii. 12.
Macdonnell, Æneas, explanation of the pardon granted to this gentleman, i. 300.
Machinery, its public benefits necessarily accompanied with injury to individuals, ii. 486.
Magistrates, appointment of, considered, ii. 232; appointment of, by the corporation of Birmingham (1839), censured, ii. 310, 315; in Ireland, the mode of inquiry into their conduct (1838) censured, ii. 242; their dismissal for taking part in repeal agitation justified, ii. 555-559, 565-573.
Maitland, Sir Peregrine, opinion in confirmation of his honorable conduct, ii. 357.
Malta, relation of our soldiers to Catholic observances there explained, i. 287; position of Protestant officers, &c., there, towards the religion of the country, i. 721; the island characterised, ii. 205; entire futility of liberty of the press there (1839), ii. 284.
Malta Commission, the, of 1837, censured, as occupying itself solely with the question of a free press, ii. 205; its creation a job, 207.
Maltese, the, eulogised, ii. 284, 286.
Manchester Police Bill (1839) opposed, ii. 367; the police in that borough described, 367, 368; opposition to the measure withdrawn, 373.
Manufactures, British, difficulty of exporting them (1830), i. 365.
——, Foreign, rise of, and creation of market for, ii. 486, 487.
Manufacturing distress (1842) considered, ii. 489; mode of relieving it by the government, defended, 490.
Maria, Donna, misconduct of her adherents in England, i. 330, 359.
Marines, impropriety of segregating them from the ships of which they are the garrison, ii. 119.
Marriage Act for Ireland, expediency of a general, ii. 81.
Martin, Sir Byam, tribute to his merits, ii. 732.
Martial law, what it is, ii. 723.
Maynooth, college of, Sir J. Newport's motion for an enlarged grant to, opposed—not originally intended to be supported by the public at all, i. 40; its establishment described, ii. 592; the Bill of 1845 proposed, in a retrospect of the establishment, ii. 626-646; total inadequacy of the establishment in 1845, 634; the Christian principle of maintaining it, 639.
Medals, war, their value discriminated, ii. 706.
Mediation, how it must be supported to be effectual, ii. 688.
Melbourne, Viscount, his charges upon the Duke of Wellington, with reference to the dissolution of the Grey administration, refuted, ii. 5; his policy towards Canada censured, ii. 246; his

conduct in relation to Mr. Owen criticised, ii. 388; the motion (the Earl of Ripon's) of want of confidence in (August, 1841), supported, ii. 470; the personal services rendered by him to Her Majesty, 473; his change of opinion on the subject of the corn-laws, 474.
Melbourne ministry, circumstances of the resignation of, in 1839, considered, ii. 288.
Methuen Treaty, Lord Chancellor Brougham's arguments regarding it, considered, i. 401; shown to be under the operation of the treaty of 1810, i. 454.
Metropolitan Police Bill, explained, i. 326.
Mexico, blockade of (1838), considered, ii. 252.
Miguel, Don, course pursued by the English government towards him (1826), i. 210; popularity of, with the Portuguese (1829), i. 330, 358; conduct of the Duke of Wellington's government towards him, i. 577.
Military and Naval Commission of 1839, commended, ii. 397.
Military establishments of England, utter inadequacy of, in 1839, ii. 331; in 1840, ii. 393, 394.
Military force, its employment in aid of the law, deprecated, i. 248.
—— and civil offices, the distinction between them as to discipline, i. 65.
—— communication between detached troops, the essential necessity of maintaining, ii. 120.
Militia, great utility of this force, ii. 31; inexpediency of employing them in civil disturbances, ii. 207; their capacity for the most efficient military service, ii. 735.
—— Bill, 1852, supported, ii. 732.
—— colonels in Ireland, interference with their patronage (by the lieutenants of counties) deprecated, i. 421.
——, Ireland, Bill, introduced, i. 50.
——, Ireland, why a less bounty is given to them (1809) than to English recruits, i. 55.
—— Lists Bill (1829) explained, i. 282.
Ministerial arrangements in May, 1832, explanation of the Duke of Wellington's relation to them, i. 542-548.
Missionaries in India, their little progress and the jealousy they create, ii. 357.
—— in the West Indies, their pernicious machinations, i. 643.
Monastic orders, necessity for their extinction in this country, i. 269.
Monster-meetings in Ireland described, and their mechanism explained, i. 551; their tendency to create a general contempt for the law, ii. 692.
Morea, conduct of Great Britain with regard to the (1829), i. 332.
Municipal accounts in Ireland, audit of, necessity of, ii. 415.
Municipal corporations, difference between those of England and Scotland and those proposed for Ireland (1837), ii. 134; precipitate legislation upon (1835), deprecated, ii. 19, 22.
—— Bill, England, its leading defects described, ii. 23; the Commons' amendments on, considered, ii. 38-42.
—— Act Amendment Bill, its second reading, ii. 50.
—— Commission, condemned as partial, arbitrary, and absolutely illegal, ii. 21, 24, 25.
—— in Ireland, instituted, principally, for the protection of the Established Church, ii. 132; expediency of abolishing them, ii. 326.
—— Bill of 1837, Lord Lyndhurst's amendment to strike out clause 22, supported, ii. 52; the Lords' amendments on, supported, ii. 62-69; Lord Lyndhurst's motion that the Lords adhere to their amendments, supported, ii. 84; characterised as substituting, for one exclusive system, another still more exclusive and otherwise mischievous, ii. 122-125, 132 *et seq.*; the Duke of Wellington's amendment, postponing its consideration, carried, ii. 139; Lord Lyndhurst's amendments in, supported, ii. 237.
—— Bill of 1839 considered, ii. 328; Lord Lyndhurst's amendment, raising the qualification, supported, ii. 332.
—— Bill of 1840 considered, ii. 409; petitions as to this measure stated, ii. 415.
—— taxation in Ireland under the measure of 1836, extreme injustice of, ii. 65-67.
Murray, Archbishop, his letter to Viscount Melbourne on education, censured, ii. 17.
Mutiny Bill of 1829, explained, i. 251.

N.

Naas, poor-law returning officer's case, reference to, ii. 464.
Napier, Sir Charles, vote of thanks to, supported by a statement of his services in Scinde, ii. 587; his training of the Scindian horse commended, ii. 705.
Naples, the King of, his relation to the Treaty of Vienna, ii. 698; British interference with the internal affairs of his kingdom considered, ii. 699.
Nation, progress of the (1829), i. 337;

state of the, in 1830, considered, i. 345, 346; position of, at the close of the war, i. 347.
National Association of Ireland denounced, ii. 99.
—— debt, Pitt's plan for the redemption of, commended, i. 216; not contracted in a depreciated currency, i. 321.
—— education in Ireland, its failure, ii. 208; position of, with relation to charitable bequests, considered, ii. 590.
—— Guards in Ireland, condemned, i. 1.
Naval establishments of England, their inadequacy (1838) to protect our commerce, ii. 251.
—— and military establishments, necessity of maintaining them on an adequate footing in peace, so as to be prepared for war, ii. 269.
—— force in China, English, utter inadequacy of (1840), ii. 425.
—— officers, British, deficiency in their professional education—the Duke's respect for them, ii. 396.
Navy, the essentiality of an efficient, to England, in case of a war, ii. 253; state of the, in 1840, considered, ii. 392; in 1844, ii. 606.
Negro apprentices, consideration of the plan respecting them, i. 678.
—— apprenticeship, proposal to postpone its commencement, i. 685.
—— emancipation, the Duke's conduct on the subject after the passing of the Act, ii. 304.
Negroes, their total indisposition to work, i. 633; their natural inferiority, i. 682.
Netherlands, Earl Grey's criticism upon English policy towards (1830), answered, i. 381-384; policy of England towards (1831), considered, i. 431; iniquitous policy of Great Britain and France towards (1832), i. 563.
Neutrality, international, the Duke's opinion on the subject sustained by quotations from Lord Stowell, i. 616; successful motion by the Duke to enforce it on the King's subjects, towards Portugal, i. 620.
Non-interference in the internal affairs of other countries, the rule with England, i. 110, 115.
Normanby, Marquis of, his Lord-Lieutenancy of Ireland criticised, i. 655, ii. 156; his indiscreet exercise of the power of pardon in Ireland, ii. 127, 128; his appointments in Ireland criticised, ii. 282; his speech introducing the second Jamaica Bill criticised, ii. 305.
Notes, their convertibility into gold not necessarily productive of security, i. 197.
Nott, General, commendation of his conduct, ii. 525.

O.

Oath, the, imposed on Roman Catholic Members of Parliament, justified, ii. 695.
—— on matriculation at Oxford, its antiquity—its meaning and extent expounded, i. 742, 743.
—— of supremacy, its relation to the Catholic Relief Bill considered, i. 297.
O'Connell, Mr., the favor shown to him by the Grey Government, censured, i. 494; reference to his mischievous action upon the Melbourne Government, ii. 36.
Officers of State, the great, their salaries should be independent of votes of the House of Commons, ii. 159.
Old soldiers, their great value, their necessity, to the effective existence of an army, ii. 674, 675.
One-pound notes and sovereigns incompatible currencies, i. 197; the fictitious capital created by these notes a chief source of our commercial crises, i. 198; their mischievous effect, i. 322.
'Open questions,' a sign of weakness in the Government, ii. 304.
Opium trade with China, justified politically, ii. 419.
Oporto, blockade of, explained, i. 211.
——, insurrection at (1829), i. 335.
Orphan's fund in the City, i. 319.
Orthez, thanks of Parliament for the victory of, acknowledged, i. 88.
Oude, King of, consideration of the claims made upon him by individuals, and vindication of the Court of Directors in the matter, i. 703-710.
Owen, Mr., illegality of his association—its viciousness—necessity for repressing it, ii. 387, 389.
Oxford, University of, its disposition, at the Duke of Wellington's suggestion, to revise its statutes (1837), ii. 142; regulations of, considered, with reference to Dr. Hampden's case, ii. 160; readiness of, to make sound reforms, ii. 161; statutes of, account of, ii. 162; its views with relation to internal improvement stated—its right to be exempt from external inquiry, ii. 716; the Statutes Bill of Lord Radnor opposed, ii. 104-109.
—— and Cambridge Universities, differences between their regulations as to matriculation, i. 740.

P.

Palgrave, Sir F., his protest against the Report of the Corporation Commissioners adverted to, ii. 24.
Parker, Admiral, reference to his conduct in the Tagus, i. 575, 576, 579.
Parliament, necessity of vindicating its privileges, i. 3; its constitutional duty, i. 653.
Parliamentary Electors Bill (1838) opposed, ii. 193.
—— oaths affecting Roman Catholics, considered, i. 262, 263.
—— papers, subject of their publication considered (1840), ii. 400.
—— reform unnecessary (1830), i. 387; the Duke's determination to resist it, i. 388, 405; admitted necessity of gradual and well-considered reform, i. 592.
—— Reform Bill, 1831, condemned, i. 403–414; its origin was revolution abroad, and not the Duke of Wellington's words in the House of Lords, i. 458; the bill criticised, i. 456–474; its inevitable result a fierce democracy, destructive of all our institutions, i. 471, 472.
—— Reform Bill of 1832, the Duke of Wellington's reasons for resisting its second reading, i. 512, 520–535; the Duke of Wellington's reasons for consenting to consider the Bill after it had been read a second time, i. 545.
—— Reform (Ireland) Bill (1832), reasons against its second reading, i. 556–559.
Partisanship, political, should be no qualification, but the reverse, for the magistracy, ii. 235.
Party Processions Act (Ireland), considered, ii. 574; (1850), objected to as not stringent enough, ii. 714.
Peace, international, the preservation of, an object of deep importance, i. 449; the maintenance of, how best effected i. 506; essentiality, to the interests of England, of maintaining it, not only ostensibly but in fact, ii. 285; the greatest political interest of England, ii. 403; preservation of, sedulously cultivated by the Duke of Wellington, ii. 454.
—— establishment, inadequacy of, in 1841, ii. 462; the Duke's last advice concerning it—its total inadequacy up to 1852, ii. 734, 735.
Peel, Sir Robert, his sacrifice of his feelings to his sense of duty, with regard to the Roman Catholic Relief Bill, i. 225–228; his policy (1842) extolled, ii. 489–492; his character eulogised, ii. 720.
Peel, Sir Robert, his administration of 1834, the Duke of Wellington's connection with it explained, ii. 3, 4; of 1839, the Duke of Wellington's relation to it, ii. 290.
Peers, proposed creation of, for a political purpose, in 1832, commented upon, i. 544–548.
——, the, their duties as legislators, ii. 667; their position with relation to the Crown and the House of Commons, ii. 668.
Peninsular officers, their petition for medals considered, ii. 640.
Pennefather, Chief Justice, eulogised, ii. 500.
Pensions Civil Service Bill considered, i. 723.
—— by the Crown, inadequate provision for, ii. 159.
—— to peers newly created, inexpediency of permitting the Crown to grant them, i. 172.
Pensioners discriminated from veteran soldiers, ii. 678.
Perier, M., his speech in the Chamber of Deputies, on the affairs of Belgium, criticised, i. 504.
Perjury, with a view to the municipal franchise, extensive prevalence of, in Ireland (1837), ii. 133.
Pilots, the Cinque Ports, their ancient rights vindicated against the enactments of the Pilotage Bill (1849), ii. 711.
Plunkett, Lord, his dispensation of patronage justified, i. 503; his defence of the Manchester magistrates equally applicable to the Irish magistrates, i. 552.
Pluralities Bill, the, supported, i. 514.
Police in Ireland, appointment of, in whom vested, ii. 614.
Polignac, Prince, his mode of government not sanctioned by the Duke of Wellington, i. 412.
Political influence, necessarily exercised by members of the royal household, ii. 292.
—— power of England, on what it is based, ii. 370.
—— residents in India, their relation to commanding officers, ii. 534.
Ponsonby, Lord, his conduct as to the election of Prince Leopold, criticised, i. 48.
Poor-law administration vindicated (1839) against the attacks of Earl Stanhope, ii. 300.
—— Amendment Bill (1834) supported, i. 730; the Bill of 1837 supported, ii. 103; its continuance moved, 1842, ii. 498.

Poor-law Bill of 1844 supported, ii. 608.
—— Board, the publication of its reports incidentally considered, ii. 9.
—— Chaplains in Ireland, appointment and position of, considered, ii. 478.
—— Commissioners in Ireland censured for their conduct as to the election of guardians (1840), ii. 411, 416; (1841), ii. 463.
—— Guardians (Ireland), election of, by persons not having paid rates, resisted, ii. 406.
—— in Ireland considered, ii. 544.
—— in Scotland described, ii. 214.
Poor-laws, extreme difficulty of the question, i. 356.
—— the amended, their beneficial operation, ii. 103.
——, Lord Teynham's motion against them opposed, ii. 527.
Poor Relief (Ireland) Bill (1838) considered, ii. 211.
Poor relief in Ireland, its proper application—expense of its management, ii. 215; localization of expense under, provided for, ii. 217.
Portugal, campaign in (1808), its conduct justified, i. 69; thanks of Parliament to Lord Wellington for the deliverance of—acknowledged, i. 77-79; interference of England in her affairs (1826), probable necessity of, i. 120; policy of England towards, vindicated (1828), i. 209-212; systematic non-interference of Great Britain with her internal concerns, i. 329, 335; Earl Grey's criticisms upon English policy towards (1830), answered, i. 380; commercial relations with (1830), considered, i. 401, 402; importance of her friendship to this country, i. 402, 403; relations of, with France and England (1831) considered, i. 425; policy of England towards (1831), censured, i. 427-430; position of her government in 1831, considered with regard to this country, i. 455; French invasion of, in 1831, account of, i. 612 *et seq.*; policy of England towards, in 1832, considered, i. 574-580; protection due to her on the part of England, i. 586; character of the war there in 1832-3, i. 587; British relations with, in 1833, considered, i. 611-622; blockade of (1833), considered, i. 666; obligation of, towards England, to suppress the slave-trade, ii. 339; the fitting policy of England in the matter, ii. 340; our interference with, in 1847, justified against Lord Stanley, ii. 686.
—— and Spain, the treaty of 1834 regarding them considered, i. 747.
Portugal, the wine-trade with, considered (1831), i. 441; decrease in, i. 453.
——, commercial policy of England towards (1831), condemned, i. 454.
Post-Office, the working of the old system (1830) so efficient as to render it necessary that any new system should be justified by strong reasons, ii. 88.
Postage, Uniform Penny, Bill (1839), criticised, ii. 346.
Precursor Society, mentioned, ii. 282.
Premiership, the Duke's disinclination (1827) to undertake it, i. 127.
Prendergast, Mr., his conduct in the King of Oude's case, i. 706.
Prices, details of the great fall in, at the close of the war, i. 347; cannot be raised by Act of Parliament, *ib.*
—— of corn, variations in, no greater in England than elsewhere, ii. 482; not dependent on price in England, ii. 482, 483.
Priestley, Major, his appointment as Deputy Inspector-General in Ireland vindicated, ii. 613.
Prime Minister, no such office known to the Constitution, i. 284; any member of the Cabinet may be Chief Minister, 285.
——, his proper place is the House of Commons, ii. 288.
Prince, Colonel, his conduct, as brought forward by Lord Brougham, considered, ii. 293.
Private wars deprecated, ii. 285.
Property, its influence upon the Legislature essential to the well-working of the State, i. 469; the undue exercise of its influence at elections denied, ii. 187.
Protection to agriculture, why necessary in this country, i. 150; the cause of our internal national wealth, i. 151, 152; beneficial operation of, in this country, ii. 274.
—— to trade and manufactures approved of, i. 501.
Protestant clergy in Ireland, modes of providing for them considered, i. 499, 500; conspiracy against them, i. 551; deplorable condition of, in consequence of Earl Grey's policy, i. 658-661; the petition from the county of Down in support of, commended, ii. 10.
—— officers, British, in Catholic countries, their position as regards the religion of the country, i. 721.
Protestants in Ireland, their unprotected state (1832), i. 553; (1835), ii. 17; their value to the state, and their high claim to the protection of government, ii. 126; their menaced position in 1837, 127.

Protestantism of England, the clear resolution of Parliament to maintain it, ii. 385.
—— in Ireland, discouraged by the National system, ii. 209.
Prussia, kingdom of, its situation with respect to the Roman Catholic religion, i. 267.
Public interest, free from all class considerations, the rule of the upright legislator, ii. 277.
Public service, inadequacy of the salaries attached to its higher officers, i. 170.
Public Works Fund in the City, i. 319.
Punishment of criminals best avoided by the prevention of crime, i, 327.
Punjab, vote of thanks to the army of the, justified by a review of its operations, ii. 700.

Q.

Quadruple Treaty, the Duke of Wellington's opinion and conduct in relation to it, ii. 101, 111; the position of England in relation to it and to Spain (1839), ii. 331.

R.

Railways, necessity of their being brought under the supervision of Parliament, ii. 56; amendment to that effect proposed, ii. 59; danger of their becoming monopolies, ii. 61.
—— in Ireland, a proof of the great progress of that country, ii. 660.
Ranelagh, Lord, his account of circumstances at the siege of Bilbao, ii. 119.
Rating under poor-law, in Ireland, considered, ii. 216.
Reciprocity treaties, their object, i. 370.
Recorder of Dublin, Lord Lyndhurst's amendment, saving the right of this officer to sit in Parliament, supported, ii. 448.
Reformation, the essentiality of maintaining it, ii. 594.
Redesdale, Lord, his appointment to the chairmanship of committees, supported, ii. 722.
Regency, the, in 1837, considered, ii. 150.
Regimental Benefit Societies Bill proposed, ii. 709.
Religion, essentiality of ample means being supplied — and in the first instance, and to the largest practicable extent, by the Church itself—for its being taught to the people, ii. 447.
Religious distinctions should be no bar to public employment, i. 43.
—— tests, reasons for the support given by the Duke to the modified Bill for the repeal of (1828), i. 157-162.
Rent-charge in Ireland, Lord Lyndhurst's amendment to make it 7-10ths of the tithe commuted, supported, ii. 76; its disappropriation from the clergy objected to, ii. 33.
Representation in the House of Commons, anticipated change of its character to mere delegation, by the Parliamentary Reform Bill, i. 529; description of that representation, i. 530.
Representative franchise, the injustice of depriving any person of it, i. 405.
Reports and rumours, the Duke of Wellington's systematic indifference to them, ii. 287.
Returns, criminal, from Ireland, criticised (1839), ii. 280.
Revolutions, how brought about, i. 475; the Duke's dislike of them, ii. 327.
Revenue of the country, various circumstances upon which it is dependent, i. 477.
Riband societies, 1838, denounced, ii. 281; demonstration of their existence (1839), ii. 353; characterised—paralleled with the conspiracy of 'United Irishmen,' ii. 355.
Roman Catholics, the Duke's early recommendation of moderation towards them, i. 2; their admission to Parliament, in Ireland, opposed, *ib.*; not wholly influenced by their priests, *ib.*; the danger of admitting them to Parliament, explained, i. 103; sufficiently (1828) precluded from corporate office by the Oath of Supremacy, i. 166.
——, oaths imposed on, by 31 & 33 Geo. III., inquiry into their evasion objected to, and an Act of Indemnity suggested, i. 245, 246.
——, their exclusion from Parliament, considered, i. 262, 265; their admission to Parliament not dangerous to the Anglican Church, i. 273.
—— in Ireland, vast power given them by the Parliamentary Reform measure of 1832, i. 558.
Roman Catholic Claims, reasons against their concession (1828), i. 174-180; their agitation of recent date, i. 180; the ultimate necessity of their concession, i. 261.
—— Church, effects its aims by systematic combination, i. 176.
—— Disabilities, progress of opinion in favour of their removal, i. 233, 234.
—— Disabilities Removal Bill, announced, (1829), i. 218; the Duke's conduct on the

subject vindicated, and necessity of the measure demonstrated, i. 219, 221, 224, 226, 227, 274, 295; its tendency to check the growth of popery, i. 241; introduced to the House of Lords, i. 255; its progress described, i. 265.
Roman Catholic ecclesiastical titles, propriety of enforcing their abolition in Ireland, ii. 58.
—— Ecclesiastics, necessity of providing them for Ireland, ii. 631; and that they should be natives, 632; their endowment out of the revenues of the Established Church repudiated, 644.
—— hierarchy, their powerlessness, in this country, as against the law, i. 297, 298; their maleficial effect upon the representation, i. 470.
—— schools, observation on the books read in them, i. 39.
—— Marriages (Ireland) Bill, opposed, as of partial operation, ii. 81.
Roman Catholicism, unfavourable to civil government, i. 177.
Royal household, expediency of control over, on the part of the Ministry, ii. 289; distinction between that of a Queen Consort and that of a Queen Regnant 289; the question concerning it, in 1839, 289, 297.
Russell, Brigadier-General, reference to his mission to Portugal, i. 576.
——, Lord John, his views as to the appointment of borough magistrates (1839), ii. 317; his conduct in relation to the Birmingham magistrates condemned, ii. 323, 324; his despatch to Sir George Arthur (14 Oct. 1839), criticised, ii. 431, 437.
Russia, diplomacy of, with regard to the Levant (1840), justified, ii. 453; her fair dealing towards England and France, 454.
—— and Turkey, policy of the Duke of Wellington with relation to their quarrels (1829), i. 342; comments upon the war between them, i. 343.
Russian-Dutch Loan Bill, censured, i. 561; protest against it, 566.

S.

Salamanca, thanks of Parliament for the victory of—acknowledged, i. 83-85.
Salaries and pensions, explanation as to some granted by the Duke of Wellington in Nov. 1830, i. 399.
Sale, General, statement of his services in Affghanistan, ii. 517.
Sale of Parliamentary papers, by Parliament, objected to, ii. 402, 403.
San Sebastian, thanks of Parliament for the victory of, i. 87.
Santander, imbecility of the British operations before (1836), demonstrated, ii. 116, 117.
Scheldt and Rhine rivers, navigation of the, under the Treaty of November 1831, i. 489.
Scinde, vote of thanks to the army of, supported, ii. 587.
Scindiah, his claim to Gwalior and Gohud, explained, i. 11.
Scindian horse, the, commended, ii. 705.
Scotland, her great progress, ii. 199; state of society in, prior to the concession of privileges to the Episcopalians, i. 269.
Seaton, Lord, the motion for a national provision for him, supported, ii. 398.
Secretaryship for Ireland, why held by Sir A. Wellesley during his absence on foreign military service, i. 50, 51, 53.
Secretaryships of State, the question of a plurality of, considered, in reference to a charge made against the Duke of Wellington on the point, ii. 4.
Session of 1839, retrospect of, ii. 374-383.
Shaw, Mr. Recorder, eulogised, ii. 448, 449.
Shawe, Lieut.-Col., his appointment to a colonelcy vindicated, i. 55.
Sheriffs in Ireland, mode of appointing them (1838) considered, ii. 223; (1840), ii. 413.
Shipbuilding, progress of, in Great Britain, 1814 to 1829, i. 369.
Shipping interest, advantageous position of, in 1830, i. 350, 368.
Shipping Reciprocity Treaty of 1825, conduct of France with regard to it, i. 455.
Shopkeepers in towns, inexpedient as electors of county members, i. 411.
Sidmouth, Lord, his official approbation of the conduct of the Manchester magistrates (1819), an example to be adopted towards the Irish magistrates, i. 519.
Silver currency, position of, in 1830, i. 349.
Sinecures, the expediency of abolishing them, ii. 92.
Sinking fund, eminent expediency of maintaining one, by means of a surplus of revenue over expenditure, i. 216.
Slaves in the British West Indies, policy of the Duke of Wellington's administration with regard to their emancipation, i. 186-189; conduct of Jamaica and other islands on the subject, 187-189; necessity of coercing them to work, i. 677.

Slaves, Protectors of, in the British West Indies, appointment of, i. 213.
—— in the United States, why emancipated, i. 623.
Slave-proprietors, compensation to, considered, i. 679, 680; amendments respecting, 685.
Slavery, presentation of a petition from the merchants of London, that its abolition should be gradual, i. 623.
—— in the East Indies, moderation of its character, i. 674.
—— Abolition Bill, speech on the second reading, i. 628-643; consideration of the measure, i. 675-682.
—— Abolition Act Amendment Bill, sanctioned, ii. 196.
——, expediency of its abolition being gradual, insisted upon, i. 604; very considerable part taken by the Duke of Wellington in the subject, 610; true principle of its abolition in our West Indies, i. 537.
Slave-trade, difficulty of suppressing it, i. 188; Lord Brougham's resolutions respecting it, considered, ii. 183-186; fitting mode, on the part of England, of suppressing it, ii. 343; entire propriety of extinguishing it, ii. 344; the Duke of Wellington's consistent and zealous antagonism to it, ii. 372.
—— (Portugal) Bill, 1839, opposed, ii. 338.
—— Suppression Bill of 1839, opposed, ii. 358; protest against it, 364; protest at its passing, 371.
—— suppression treaties, how they should be enforced, ii. 358.
Sliding-scale, the best mode of protecting agriculture, ii. 481-484; the scale of 1828 supported, as effecting a sufficient protection for British agriculture, i. 191, 192.
Smith, Adam, his views on corn quoted, ii. 467.
——, Sir Harry, his operations in Kaffraria commended, ii. 728.
Socialism, position of, in 1840, ii. 387.
Soldiers, British, abroad, bound to pay respect to the religion of the country, i. 286; especial reference to the state of the case in Malta, 287.
——, a class not much given to letter-writing, ii. 347.
—— of India, after their discharge, should not be released from military supervision till their arrival in England, ii. 684.
Somnauth, proclamation of, considered, ii. 536.
——, temple of, described, ii. 537.
Soult, Marshal, correction of an historical error respecting him, i. 585.
South American States, our commercial relations with them, considered, ii. 249.
Spain, campaign in (1808), account of its conduct, i. 57; English policy towards, as represented by the Duke of Wellington at Verona, vindicated, i. 114; ineffectuality of any attempt to force a liberal government upon her, ii. 101; affairs of, considered (1837), ii. 109; Viscount Melbourne's understood policy towards (1837), deprecated, ii. 121; war in, in 1837, reference to the policy of Viscount Melbourne's government therein, ii. 148; the war in (1838), considered, ii. 219-223; blockade of the coast of (1838), considered, ii. 227-231; the question of England's relation towards her in 1839, ii. 329.
Spanish constitution (1823), change in, suggested, in a memorandum to Lord FitzRoy Somerset, i. 117.
Spring-guns, their use for the preservation of game, vindicated, i. 119.
Stafford Borough Disfranchisement Bill, opposed, as unjust towards innocent voters, ii. 77.
Stanhope, Earl, his system of wild denunciation condemned, ii. 301, 302.
Stanley, Mr. William, his conduct with relation to the Clonmel Union, ii. 463.
State of the country in 1830, considered, i. 394-398.
Stock-exchange, its influence upon the affairs of Spain in 1836, ii. 115, 116.
Stopford, Sir Robert, eulogised, ii. 456.
Stowell, Lord, his opinion as to international neutrality, i. 616.
St. Asaph and Bangor, the Earl of Powis's motion against their union opposed, ii. 549; the subject again mentioned, ii. 601; a second Bill on the subject, moved by the Earl of Powis, opposed (1845), ii. 618.
St. Jean d'Acre, capture of, one of the greatest achievements of modern times, ii. 456.
St. Nicolet, seminary of, referred to, ii. 460.
St. Sulpice, seminary of, alleged improper endowment of, commented upon, ii. 457-462.
Subscription to Thirty-nine Articles Bill (Lord Radnor's), resisted, ii. 13.
Succession to the Crown (1837) Bill, considered, ii. 150.
Suffrage, extension of the, inexpedient (1839), ii. 304.
Sugar, essentiality of the article to England, i. 639.
—— trade considered, with reference to the slave-trade, ii. 494.
Sugden, Lord Chancellor, his conduct towards Lord Lucan, justified, ii. 587.

Superintendent, British, in China, extreme difficulties of his position (1840), ii. 426.
Suppression of Disturbances (Ireland) Bill, supported, i. 591; the two Bills of 1834 commented on, i. 725-730; protest against the second measure, 737.
Supremacy, oath of, quite consistent with the sanction of Maynooth, ii. 646.
Surplus of income over expenditure, a principle of our financial policy, i. 477.
Sussex, Duke of, his character eulogised, ii. 546-560; reference to his marriage, 561.
Sutlej, thanks to the army of the, supported, ii. 655.
'Sympathizers,' the American, with Canada, denounced, ii. 259.

T.

Talavera, thanks of the House of Lords for the victory of—acknowledged in a letter by Viscount Wellington, i. 74; thanks of the House of Commons for the same—acknowledged, i. 75.
Talleyrand, Prince, eulogised, i. 449, 450.
Tariff of 1842 supported, ii. 492.
Telegraphs in Ireland, their formation justified, i. 68.
Terceira, account of the expedition against, by the adherents of Donna Maria, i. 330, 359, 362.
Tests in our Universities, essential necessity of, ii. 15.
Thanks of Parliament to the Duke of Wellington—acknowledged in person, i. 91; again, i. 100. *Vide* also, Copenhagen, Vimeiro, Talavera, Portugal, Ciudad Rodrigo, Badajoz, Salamanca, Vittoria, San Sebastian, Orthez, Waterloo.
Thomas-Town, the riot at, considered, i. 519.
Thomson, Mr. Poulett, his Canadian despatches commented upon (1840), ii. 438.
Thorogood, John, his conduct criticised (1840), ii. 450.
Tithes, Ireland, the effect of the Tithe Composition Act upon—state of the question in Feb. 1832, i. 492; a property held sacred by our laws, i. 493; the proposal for their commutation for a charge upon land approved of, i. 497; the question of their recovery by the Government considered, i. 499; conspiracy against them, i. 551; inexpediency of not bringing their non-payment and its consequences within the operation of the Disturbances Act, i. 595; the question of their collection considered, i. 624-628; practical extinction of, by Earl Grey's policy, i. 658; the Bill of 1834 resisted, i. 752-6.
Torrington, Lord, imperfect position of his case before the House of Lords, in 1831, ii. 724.
Town Councils under the Act of 1835, paralleled in the House of Commons, ii. 28; their proposed power of recommending magistrates, ii. 30.
Trade combinations, their deeply injurious effect on the working-classes, ii. 182.
Trade and commerce of the country, retrospect of, in 1840, ii. 468.
Treaty of Peace of 1814, beneficial effects of, i. 384, 419.
Trinity College, Dublin, proposal for increased provision for its members, i. 665.
Troops, disciplined and undisciplined, their relative value discriminated, ii. 733.
Tucker, Colonel, eulogised, i. 53, 56.
Turkey, the treaty with, of July 1827, remarks upon, i. 145, 146.
—— and Greece, interposition of England between, justified, i. 146; relative position of, explained (1828), i. 208; desire of England to maintain peace between them, 209.
—— and Russia, anxiety of England to maintain peace between them, i. 208; denial that either England or Russia desired (1828) the dismemberment of Turkey, *ib.*

U.

Unfunded debt, position of, in 1830, i. 367.
United States Government, its power to prevent aggression by its citizens on Canada, ii. 259; relation of, to England, with respect to the slave-trade, ii. 363.
Universities, their strictly Christian character—their tests, those maintained by the Church of England, i. 712; their constitution, i. 739; progress of reformation in them (1838), ii. 225.
University education, great improvement in, of late years, ii. 107.
—— statutes, Lord Radnor's motion for an inquiry into them resisted, ii. 139-143.
Unlawful Oaths (Ireland) Bill, 1839, supported, ii. 352, 693.

V.

Verona, Congress of, the Duke's conduct at, vindicated against the charges of Lords King, Grey, and Ellenborough, i. 110-118.
Victoria, Queen, the Duke's deep personal interest in Her Majesty, ii. 152.
Vienna, Congress of, its denunciation of the slave-trade, ii. 183.
Vimeiro, thanks of the House of Lords for the victory of, i. 44; acknowledgment of the thanks by Sir A. Wellesley, i. 45; thanks of the House of Commons for the same, i. 45; acknowledged by Sir A. Wellesley, in his place, i. 46.
Visitation of ships by England, with relation to the slave-trade, considered, ii. 361 *et seq.*
Vittoria, thanks of Parliament for the victory of, i. 87.
Volunteers, military, their greater expense than regular soldiers, ii. 271.
Voluntary contributions in Ireland, for the relief of destitution, exposure of the system, ii. 213.
—— system in Scotland, invidious policy of its advocates, ii. 200.

W.

Wages in Ireland, payment of, in money, enforced, ii. 680, 681.
War medals, the fee of 2*s.* 6*d.* for engraving the soldier's name on them explained, ii. 714.
Warner, Mr., his pseudo-inventions criticised, ii. 731; his conduct towards Sir Howard Douglas, ii. 732.
Warwick, Earl of, his conduct in relation to the Birmingham riots (1839) vindicated, ii. 317, 318.
Watch and Ward of the metropolis, entire inefficiency of, prior to the Metropolitan Police Act, i. 326.
Waterloo, thanks of Parliament for the victory of, i. 98; acknowledged, i. 99; its special characteristics, ii. 652; composition of our army there, ii. 736.
Wellington, Duke of, administration of the, its resignation of office in 1830 explained, i. 408, 409; 'affair of honour' between the Duke of Wellington and the Earl of Winchelsea, noticed, i. 252; annuity of 2000*l.* to—message from the Prince Regent (1810), i. 76; the Bill read a second time, i. 77; annuity, further, of 2000*l.* to—message from the Prince Regent (1812) i. 81; grant of 100,000*l.* to—message from the Prince Regent, i. 85; affirmed by the House of Commons, i. 86; grant, further, of 200,000*l.* to—message from the Prince Regent, i. 97; affirmed by the House of Commons, i. 98, 99; grant of 500,000*l.* to—message from the Prince Regent, i. 89; affirmed by the House of Commons, i. 90, 91.
Wellesley, Marquis, defended against the charges of Mr. Paull, i. 6-11; his explanation of the increase of the Indian debt, and suggestions for its liquidation, i. 26-28; his improvements in the Indian revenue, i. 33; Mr. Creevy's views as to the proposed committee upon his conduct answered, i. 67; his conduct with reference to schools in Ireland, i. 662; his conduct in the King of Oude's case, i. 707-709.
West India Colonies, British, their course with regard to emancipation, i. 213-215; how they are to be governed, i. 214; their importance to the commerce and trade of the mother country, i. 605, 623; their importance to the home revenue, i. 638.
West India interest, expediency of an inquiry into their distress (1832), i. 536; policy of the Duke of Wellington's administration towards them, i. 536, 537; details of their distress, i. 539; presentation of petitions in their favour, i. 602-610; details of their sufferings, i. 606, 607.
West India legislatures, their readiness to aid gradual emancipation—the justice urged of leaving the development of the measure to them, i. 641; censured for their conduct with reference to emancipation, ii. 197.
West India proprietors, ruinous extent of their losses by emancipation, i. 637.
West Indies, French, expedition against, in 1808, its conduct justified, i. 68.
Westmeath, magistrates of, their case (1832) considered, i. 518.
Wharncliffe, Lord, his withdrawal of opposition to the Parliamentary Reform Bill criticised, i. 521.
Wheat, price of, anticipated reduction of, ii. 275.
Wheaten bread, the use of, by the lowest classes, a privilege peculiar to England, and attributable to agricultural protection, ii. 274.
Whish, General, his conduct in the Punjab eulogised, ii. 703.
Whyte, Colonel, his exemption from blame in the flogging case (1846), ii. 669.
William IV. characterised, ii. 148.
Willis, Mr. Justice, of Canada, explanation of his dismissal, i. 313.

Wine Duties Bill (1831) criticised, i. 453.
Wiseman, Dr., his policy of antagonism to the Established Church, ii. 726.
Wool, English, cause of the depreciated trade in (1828), i. 205.
—— growers, British, their distress (1828) not curable by an extra duty on foreign wool, i. 168, 205.
Wounded soldiers, their claim to medals considered, ii. 707.
Wylde, Colonel, his conduct in Spain (1837) criticised, ii. 148.

Y.

Yeomanry in Ireland, not an expedient force to be employed for the suppression of civil disturbances, i. 520.
Yeomanry corps, the proposed reduction of (1838), objected to, ii. 196, 201; their efficiency vindicated, ii. 202, 207.
York, Duke of, vindicated against the charges alleged by Colonel Wardle, i. 47-49.
——, Sir A. Wellesley's evidence respecting his mode of disposing of promotions and commissions, and of his management of the army, i. 65, 66.

Z.

Zemindars of Oude, Marquis Wellesley's conduct towards them explained, i. 10.

THE END.

LONDON:

PRINTED BY WILLIAM CLOWES & SONS, STAMFORD STREET,
AND CHARING CROSS.

00143178

Digitized with financial assistance from the
Government of Maharashtra
on 15 June, 2016